

## Senate Substitute for HOUSE BILL No. 2278

By Committee on Ways and Means

5-5

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1 AN ACT concerning firearms; relating to the personal and family  
2 protection act; prohibiting the carrying of concealed firearms in certain  
3 buildings; amending K.S.A. 2016 Supp. 75-7c20 and repealing the  
4 existing section.

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6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 75-7c20 is hereby amended to read as  
8 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be  
9 prohibited in any public area of any state or municipal building unless  
10 such public area has adequate security measures to ensure that no weapons  
11 are permitted to be carried into such public area and the public area is  
12 conspicuously posted with either permanent or temporary signage  
13 approved by the governing body, or the chief administrative officer, if no  
14 governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10,  
15 and amendments thereto.

16 (b) The carrying of a concealed handgun shall not be prohibited  
17 throughout any state or municipal building in its entirety unless such  
18 building has adequate security measures at all public access entrances to  
19 ensure that no weapons are permitted to be carried into such building and  
20 the building is conspicuously posted in accordance with K.S.A. 2016  
21 Supp. 75-7c10, and amendments thereto.

22 (c) No state agency or municipality shall prohibit an employee from  
23 carrying a concealed handgun at the employee's work place unless the  
24 building has adequate security measures at all public access entrances to  
25 ensure that no weapons are permitted to be carried into such building and  
26 the building is conspicuously posted in accordance with K.S.A. 2016  
27 Supp. 75-7c10, and amendments thereto.

28 (d) (1) It shall not be a violation of the personal and family protection  
29 act for a person to carry a concealed handgun into a state or municipal  
30 building, or any public area thereof, so long as that person has authority to  
31 enter through a restricted access entrance into such building, or public area  
32 thereof, ~~which~~ *that* provides adequate security measures at all public  
33 access entrances and the building, or public area thereof, is conspicuously  
34 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments  
35 thereto.

36 (2) Any person, who is not an employee of the state or a municipality

1 and is not otherwise authorized to enter a state or municipal building  
2 through a restricted access entrance, shall be authorized to enter through a  
3 restricted access entrance, provided such person:

4 (A) Is authorized by the chief law enforcement officer, governing  
5 body, or the chief administrative officer, if no governing body exists, to  
6 enter such state or municipal building through a restricted access entrance;

7 (B) is issued an identification card by the chief law enforcement  
8 officer, governing body, or the chief administrative officer, if no governing  
9 body exists, which includes such person's photograph, name and any other  
10 identifying information deemed necessary by the issuing entity, and which  
11 states on the identification card that such person is authorized to enter such  
12 building through a restricted access entrance; and

13 (C) executes an affidavit or other notarized statement that such person  
14 acknowledges that certain firearms and weapons may be prohibited in such  
15 building and that violating any such regulations may result in the  
16 revocation of such person's authority to enter such building through a  
17 restricted access entrance.

18 The chief law enforcement officer, governing body, or the chief  
19 administrative officer, if no governing body exists, shall develop criteria  
20 for approval of individuals subject to this paragraph to enter the state or  
21 municipal building through a restricted access entrance. Such criteria may  
22 include the requirement that the individual submit to a state and national  
23 criminal history records check before issuance and renewal of such  
24 authorization and pay a fee to cover the costs of such background checks.  
25 An individual who has been issued a concealed carry permit by the state of  
26 Kansas shall not be required to submit to another state and national  
27 criminal records check before issuance and renewal of such authorization.  
28 Notwithstanding any authorization granted under this paragraph, an  
29 individual may be subjected to additional security screening measures  
30 upon reasonable suspicion or in circumstances where heightened security  
31 measures are warranted. Such authorization does not permit the individual  
32 to carry a concealed weapon into a public building, which has adequate  
33 security measures, as defined by this act, and which is conspicuously  
34 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments  
35 thereto.

36 (e) A state agency or municipality—~~which~~ *that* provides adequate  
37 security measures in a state or municipal building and which  
38 conspicuously posts signage in accordance with K.S.A. 2016 Supp. 75-  
39 7c10, and amendments thereto, prohibiting the carrying of a concealed  
40 handgun in such building shall not be liable for any wrongful act or  
41 omission relating to actions of persons carrying a concealed handgun  
42 concerning acts or omissions regarding such handguns.

43 (f) A state agency or municipality—~~which~~ *that* does not provide

1 adequate security measures in a state or municipal building and ~~which~~ *that*  
2 allows the carrying of a concealed handgun shall not be liable for any  
3 wrongful act or omission relating to actions of persons carrying a  
4 concealed handgun concerning acts or omissions regarding such handguns.

5 (g) Nothing in this act shall limit the ability of a corrections facility, a  
6 jail facility or a law enforcement agency to prohibit the carrying of a  
7 handgun or other firearm concealed or unconcealed by any person into any  
8 secure area of a building located on such premises, except those areas of  
9 such building outside of a secure area and readily accessible to the public  
10 shall be subject to the provisions of subsection (a).

11 (h) Nothing in this section shall limit the ability of the chief judge of  
12 each judicial district to prohibit the carrying of a concealed handgun by  
13 any person into courtrooms or ancillary courtrooms within the district  
14 provided the public area has adequate security measures to ensure that no  
15 weapons are permitted to be carried into such public area and the public  
16 area is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-  
17 7c10, and amendments thereto.

18 (i) The governing body or the chief administrative officer, if no  
19 governing body exists, of a state or municipal building, may exempt the  
20 building, or any public area thereof, from this section until July 1, 2017, by  
21 adopting a resolution, or drafting a letter, listing the legal description of  
22 such building, listing the reasons for such exemption, and including the  
23 following statement: "A security plan has been developed for the building  
24 being exempted which supplies adequate security to the occupants of the  
25 building and merits the prohibition of the carrying of a concealed  
26 handgun." A copy of the security plan for the building shall be maintained  
27 on file and shall be made available, upon request, to the Kansas attorney  
28 general and the law enforcement agency of local jurisdiction. Notice of  
29 this exemption, together with the resolution adopted or the letter drafted,  
30 shall be sent to the Kansas attorney general and to the law enforcement  
31 agency of local jurisdiction. The security plan shall not be subject to  
32 disclosure under the Kansas open records act.

33 (j) The governing body or the chief administrative officer, if no  
34 governing body exists, of any ~~of the following institutions~~ *postsecondary*  
35 *educational institution, as defined in K.S.A. 74-3201b, and amendments*  
36 *thereto*, may exempt any building of such institution, *including any*  
37 *buildings located on the grounds of such institution and any buildings*  
38 *leased by such institution*, or any public area thereof, from this section  
39 until July 1, 2017, by stating the reasons for such exemption and sending  
40 notice of such exemption to the Kansas attorney general:

41 ~~(1) A state or municipal-owned medical care facility, as defined in~~  
42 ~~K.S.A. 65-425, and amendments thereto;~~

43 ~~(2) a state or municipal-owned adult care home, as defined in K.S.A.~~

1 ~~39-923, and amendments thereto;~~

2 ~~(3) a community mental health center organized pursuant to K.S.A.~~  
3 ~~19-4001 et seq., and amendments thereto;~~

4 ~~(4) an indigent health care clinic, as defined by K.S.A. 2016 Supp.~~  
5 ~~65-7402, and amendments thereto; or~~

6 ~~(5) a postsecondary educational institution, as defined in K.S.A. 74-~~  
7 ~~3201b, and amendments thereto, including any buildings located on the~~  
8 ~~grounds of such institution and any buildings leased by such institution.~~

9 (k) The provisions of this section shall not apply to:

10 (1) Any building located on the grounds of the Kansas state school  
11 for the deaf or the Kansas state school for the blind;

12 (2) *a state or municipal-owned medical care facility, as defined in*  
13 *K.S.A. 65-425, and amendments thereto;*

14 (3) *a state or municipal-owned adult care home, as defined in K.S.A.*  
15 *39-923, and amendments thereto;*

16 (4) *a community mental health center organized pursuant to K.S.A.*  
17 *19-4001 et seq., and amendments thereto;*

18 (5) *an indigent health care clinic, as defined by K.S.A. 2016 Supp.*  
19 *65-7402, and amendments thereto; or*

20 (6) *any building owned or leased by the authority created under the*  
21 *university of Kansas hospital authority act, any building located within the*  
22 *health care district, as defined in the unified government of Wyandotte*  
23 *county and Kansas City, Kansas City-wide master plan, Rosedale master*  
24 *plan and traffic study or similar master plan or comprehensive planning*  
25 *or zoning document approved by the unified government of Wyandotte*  
26 *county and Kansas City, Kansas in effect on January 12, 2017.*

27 (l) Nothing in this section shall be construed to prohibit any law  
28 enforcement officer, as defined in K.S.A. 2016 Supp. 75-7c22, and  
29 amendments thereto, who satisfies the requirements of either K.S.A. 2016  
30 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a  
31 concealed handgun into any state or municipal building, or any public area  
32 thereof, in accordance with the provisions of K.S.A. 2016 Supp. 75-7c22,  
33 and amendments thereto, subject to any restrictions or prohibitions  
34 imposed in any courtroom by the chief judge of the judicial district.

35 (m) For purposes of this section:

36 (1) "Adequate security measures" means the use of electronic  
37 equipment and armed personnel at public entrances to detect and restrict  
38 the carrying of any weapons into the state or municipal building, or any  
39 public area thereof, including, but not limited to, metal detectors, metal  
40 detector wands or any other equipment used for similar purposes to ensure  
41 that weapons are not permitted to be carried into such building or public  
42 area by members of the public. Adequate security measures for storing and  
43 securing lawfully carried weapons, including, but not limited to, the use of

1 gun lockers or other similar storage options may be provided at public  
2 entrances.

3 (2) "Authorized personnel" means employees of a state agency or  
4 municipality and any person granted authorization pursuant to subsection  
5 (d)(2), who are authorized to enter a state or municipal building through a  
6 restricted access entrance.

7 (3) The terms "municipality" and "municipal" are interchangeable  
8 and have the same meaning as the term "municipality" is defined in K.S.A.  
9 75-6102, and amendments thereto, but does not include school districts.

10 (4) "Public area" means any portion of a state or municipal building  
11 that is open to and accessible by the public or which is otherwise  
12 designated as a public area by the governing body or the chief  
13 administrative officer, if no governing body exists, of such building.

14 (5) "Restricted access entrance" means an entrance that is restricted to  
15 the public and requires a key, keycard, code, or similar device to allow  
16 entry to authorized personnel.

17 (6) "State" means the same as the term is defined in K.S.A. 75-6102,  
18 and amendments thereto.

19 (7) (A) "State or municipal building" means a building owned or  
20 leased by such public entity. It does not include a building owned by the  
21 state or a municipality which is leased by a private entity whether for  
22 profit or not-for-profit or a building held in title by the state or a  
23 municipality solely for reasons of revenue bond financing.

24 (B) The term "state and municipal building" shall not include the  
25 state capitol.

26 (8) "Weapon" means a weapon described in K.S.A. 2016 Supp. 21-  
27 6301, and amendments thereto, except the term "weapon" shall not include  
28 any cutting instrument that has a sharpened or pointed blade.

29 (n) This section shall be a part of and supplemental to the personal  
30 and family protection act.

31 Sec. 2. K.S.A. 2016 Supp. 75-7c20 is hereby repealed.

32 Sec. 3. This act shall take effect and be in force from and after its  
33 publication in the statute book.