

HOUSE BILL No. 2190

By Committee on Federal and State Affairs

1-29

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; relating to exemptions for state and municipal buildings;
3 amending K.S.A. 2014 Supp. 75-7c20 and repealing the existing
4 section.
5

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

7 Section 1. K.S.A. 2014 Supp. 75-7c20 is hereby amended to read as
8 follows: 75-7c20. (a) The carrying of a concealed handgun as authorized
9 by the personal and family protection act shall not be prohibited in any
10 state or municipal building unless such building has adequate security
11 measures to ensure that no weapons are permitted to be carried into such
12 building and the building is conspicuously posted in accordance with
13 K.S.A. 2014 Supp. 75-7c10, and amendments thereto.

14 (b) Any state or municipal building which contains both public access
15 entrances and restricted access entrances shall provide adequate security
16 measures at the public access entrances in order to prohibit the carrying of
17 any weapons into such building.

18 (c) No state agency or municipality shall prohibit an employee who is
19 licensed to carry a concealed handgun under the provisions of the personal
20 and family protection act from carrying such concealed handgun at the
21 employee's work place unless the building has adequate security measures
22 and the building is conspicuously posted in accordance with K.S.A. 2014
23 Supp. 75-7c10, and amendments thereto.

24 (d) It shall not be a violation of the personal and family protection act
25 for a person to carry a concealed handgun into a state or municipal
26 building so long as that person is licensed to carry a concealed handgun
27 under the provisions of the personal and family protection act and has
28 authority to enter through a restricted access entrance into such building
29 which provides adequate security measures and the building is
30 conspicuously posted in accordance with K.S.A. 2014 Supp. 75-7c10, and
31 amendments thereto.

32 (e) A state agency or municipality which provides adequate security
33 measures in a state or municipal building and which conspicuously posts
34 signage in accordance with K.S.A. 2014 Supp. 75-7c10, and amendments
35 thereto, prohibiting the carrying of a concealed handgun in such building,
36 as authorized by the personal and family protection act, such state agency

1 or municipality shall not be liable for any wrongful act or omission
2 relating to actions of persons licensed to carry a concealed handgun
3 concerning acts or omissions regarding such handguns.

4 (f) A state agency or municipality which does not provide adequate
5 security measures in a state or municipal building and which allows the
6 carrying of a concealed handgun as authorized by the personal and family
7 protection act shall not be liable for any wrongful act or omission relating
8 to actions of persons licensed to carry a concealed handgun concerning
9 acts or omissions regarding such handguns.

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

16 (h) Nothing in this section shall limit the ability of the chief judge of
17 each judicial district to prohibit the carrying of a concealed handgun by
18 any person into courtrooms or ancillary courtrooms within the district
19 provided that other means of security are employed such as armed law
20 enforcement or armed security officers.

21 (i) (1) The governing body or the chief administrative officer, if no
22 governing body exists, of a state or municipal building, may exempt the
23 building from this section until January 1, 2014, by notifying the Kansas
24 attorney general and the law enforcement agency of the local jurisdiction
25 by letter of such exemption. Thereafter, such governing body or chief
26 administrative officer may exempt a state or municipal building for a
27 period of only four years by adopting a resolution, or drafting a letter,
28 listing the legal description of such building, listing the reasons for such
29 exemption, and including the following statement: "A security plan has
30 been developed for the building being exempted which supplies adequate
31 security to the occupants of the building and merits the prohibition of the
32 carrying of a concealed handgun as authorized by the personal and family
33 protection act." A copy of the security plan for the building shall be
34 maintained on file and shall be made available, upon request, to the
35 Kansas attorney general and the law enforcement agency of local
36 jurisdiction. Notice of this exemption, together with the resolution adopted
37 or the letter drafted, shall be sent to the Kansas attorney general and to the
38 law enforcement agency of local jurisdiction. The security plan shall not
39 be subject to disclosure under the Kansas open records act.

40 (2) *The governing body or the chief administrative officer may renew*
41 *any exemption for a state or municipal building exercised pursuant to this*
42 *subsection, including any renewal exemption exercised pursuant to this*
43 *paragraph (2), for an additional four years. Such renewal shall be*

1 *exercised by adopting a resolution, or drafting a letter, listing the legal*
2 *description of such building, listing the reasons for the renewal of such*
3 *exemption, and including the following statement: "An updated security*
4 *plan has been developed for the building being exempted which supplies*
5 *adequate security to the occupants of the building and merits the*
6 *prohibition of the carrying of a concealed handgun as authorized by the*
7 *personal and family protection act." A copy of the updated security plan*
8 *for the building shall be maintained on file and shall be made available,*
9 *upon request, to the Kansas attorney general and the law enforcement*
10 *agency of local jurisdiction. Notice of the exemption renewal, together*
11 *with the resolution adopted or the letter drafted, shall be sent to the*
12 *Kansas attorney general and to the law enforcement agency of local*
13 *jurisdiction prior to the expiration of the immediately preceding four-year*
14 *exemption period. The updated security plan shall not be subject to*
15 *disclosure under the Kansas open records act.*

16 (j) (1) The governing body or the chief administrative officer, if no
17 governing body exists, of any of the following institutions may exempt
18 any building of such institution from this section for a period of *only* four
19 years ~~only~~ by stating the reasons for such exemption and sending notice of
20 such exemption to the Kansas attorney general:

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

23 (2) (B) a state or municipal-owned adult care home, as defined in
24 K.S.A. 39-923, and amendments thereto;

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

27 (4) (D) an indigent health care clinic, as defined by K.S.A. 2014
28 Supp. 65-7402, and amendments thereto; or

29 (5) (E) a postsecondary educational institution, as defined in K.S.A.
30 74-3201b, and amendments thereto, including any buildings located on the
31 grounds of such institution and any buildings leased by such institution.

32 (2) *The governing body or the chief administrative officer may renew*
33 *any exemption for a state or municipal building exercised pursuant to this*
34 *subsection, including any renewal exemption exercised pursuant to this*
35 *paragraph, for an additional four years.*

36 (k) The provisions of this section shall not apply to any building
37 located on the grounds of the Kansas state school for the deaf or the
38 Kansas state school for the blind.

39 (l) Nothing in this section shall be construed to prohibit any law
40 enforcement officer, as defined in K.S.A. 2014 Supp. 75-7c22, and
41 amendments thereto, who satisfies the requirements of either ~~subsection~~
42 ~~(a) or (b) of~~ K.S.A. 2014 Supp. 75-7c22(a) or (b), and amendments
43 thereto, from carrying a concealed handgun into any state or municipal

1 building in accordance with the provisions of K.S.A. 2014 Supp. 75-7c22,
2 and amendments thereto, subject to any restrictions or prohibitions
3 imposed in any courtroom by the chief judge of the judicial district.

4 (m) For purposes of this section:

5 (1) "Adequate security measures" means the use of electronic
6 equipment and personnel at public entrances to detect and restrict the
7 carrying of any weapons into the state or municipal building, including,
8 but not limited to, metal detectors, metal detector wands or any other
9 equipment used for similar purposes to ensure that weapons are not
10 permitted to be carried into such building by members of the public.
11 Adequate security measures for storing and securing lawfully carried
12 weapons, including, but not limited to, the use of gun lockers or other
13 similar storage options may be provided at public entrances.

14 (2) The terms "municipality" and "municipal" are interchangeable and
15 have the same meaning as the term "municipality" is defined in K.S.A. 75-
16 6102, and amendments thereto, but does not include school districts.

17 (3) "Restricted access entrance" means an entrance that is restricted to
18 the public and requires a key, keycard, code, or similar device to allow
19 entry to authorized personnel.

20 (4) "State" means the same as the term is defined in K.S.A. 75-6102,
21 and amendments thereto.

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

27 (B) On and after July 1, 2014, ~~provided that the provisions of K.S.A.~~
28 ~~2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
29 the term "state and municipal building" shall not include the state capitol.

30 (6) "Weapon" means a weapon described in K.S.A. 2014 Supp. 21-
31 6301, and amendments thereto, except the term "weapon" shall not include
32 any cutting instrument that has a sharpened or pointed blade.

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

35 Sec. 2. K.S.A. 2014 Supp. 75-7c20 is hereby repealed.

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