

SENATE BILL No. 66

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; relating to the carrying of concealed handguns in public
3 areas; 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 *public area* of any state or municipal building unless such ~~building~~ *public*
11 *area* has adequate security measures to ensure that no weapons are
12 permitted to be carried into such ~~building~~ *public area* and the ~~building~~
13 *public area* is conspicuously posted in accordance with K.S.A. 2014 Supp.
14 75-7c10, and amendments thereto.

15 (b) *The carrying of a concealed handgun as authorized by the*
16 *personal and family protection act shall not be prohibited throughout* any
17 state or municipal building ~~which contains both public access entrances~~
18 ~~and restricted access entrances shall provide adequate security measures at~~
19 ~~the public access entrances in order to prohibit the carrying of any~~
20 ~~weapons into such building in its entirety unless such building has~~
21 ~~adequate security measures at all public access entrances to ensure that~~
22 ~~no weapons are permitted to be carried into such building and the~~
23 ~~building is conspicuously posted in accordance with K.S.A. 2014 Supp.~~
24 ~~75-7c10, and amendments thereto.~~

25 (c) No state agency or municipality shall prohibit an employee who is
26 licensed to carry a concealed handgun under the provisions of the personal
27 and family protection act from carrying such concealed handgun at the
28 employee's work place unless the building has adequate security measures
29 *at all public access entrances to ensure that no weapons are permitted to*
30 *be carried into such building* and the building is conspicuously posted in
31 accordance with K.S.A. 2014 Supp. 75-7c10, and amendments thereto.

32 (d) It shall not be a violation of the personal and family protection act
33 for a person to carry a concealed handgun into a state or municipal
34 building, *or any public area thereof*, so long as that person is licensed to
35 carry a concealed handgun under the provisions of the personal and family
36 protection act and has authority to enter through a restricted access

1 entrance into such building, *or public area thereof*, which provides
2 adequate security measures *at all public access entrances* and the building
3 is conspicuously posted in accordance with K.S.A. 2014 Supp. 75-7c10,
4 and amendments thereto.

5 (e) A state agency or municipality which provides adequate security
6 measures in a state or municipal building and which conspicuously posts
7 signage in accordance with K.S.A. 2014 Supp. 75-7c10, and amendments
8 thereto, prohibiting the carrying of a concealed handgun in such building,
9 as authorized by the personal and family protection act, ~~such state agency~~
10 ~~or municipality~~ shall not be liable for any wrongful act or omission
11 relating to actions of persons licensed to carry a concealed handgun
12 concerning acts or omissions regarding such handguns.

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

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

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

30 (i) The governing body or the chief administrative officer, if no
31 governing body exists, of a state or municipal building, may exempt the
32 building, *or any public area thereof*, from this section until January 1,
33 2014, by notifying the Kansas attorney general and the law enforcement
34 agency of the local jurisdiction by letter of such exemption. Thereafter,
35 such governing body or chief administrative officer may exempt a state or
36 municipal building, *or any public area thereof*, for a period of only four
37 years by adopting a resolution, or drafting a letter, listing the legal
38 description of such building, listing the reasons for such exemption, and
39 including the following statement: "A security plan has been developed for
40 the building being exempted which supplies adequate security to the
41 occupants of the building and merits the prohibition of the carrying of a
42 concealed handgun as authorized by the personal and family protection
43 act." A copy of the security plan for the building shall be maintained on

1 file and shall be made available, upon request, to the Kansas attorney
2 general and the law enforcement agency of local jurisdiction. Notice of
3 this exemption, together with the resolution adopted or the letter drafted,
4 shall be sent to the Kansas attorney general and to the law enforcement
5 agency of local jurisdiction. The security plan shall not be subject to
6 disclosure under the Kansas open records act.

7 (j) The governing body or the chief administrative officer, if no
8 governing body exists, of any of the following institutions may exempt
9 any building of such institution, *or public area thereof*, from this section
10 for a period of *only* four years ~~only~~ by stating the reasons for such
11 exemption and sending notice of such exemption to the Kansas attorney
12 general:

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

15 (2) a state or municipal-owned adult care home, as defined in K.S.A.
16 39-923, and amendments thereto;

17 (3) a community mental health center organized pursuant to K.S.A.
18 19-4001 et seq., and amendments thereto;

19 (4) an indigent health care clinic, as defined by K.S.A. 2014 Supp.
20 65-7402, and amendments thereto; or

21 (5) a postsecondary educational institution, as defined in K.S.A. 74-
22 3201b, and amendments thereto, including any buildings located on the
23 grounds of such institution and any buildings leased by such institution.

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

27 (l) Nothing in this section shall be construed to prohibit any law
28 enforcement officer, as defined in K.S.A. 2014 Supp. 75-7c22, and
29 amendments thereto, who satisfies the requirements of either ~~subsection~~
30 ~~(a) or (b) of~~ K.S.A. 2014 Supp. 75-7c22(a) or (b), and amendments
31 thereto, from carrying a concealed handgun into any state or municipal
32 building, *or any public area thereof*, in accordance with the provisions of
33 K.S.A. 2014 Supp. 75-7c22, and amendments thereto, subject to any
34 restrictions or prohibitions imposed in any courtroom by the chief judge of
35 the judicial district.

36 (m) For purposes of this section:

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

1 securing lawfully carried weapons, including, but not limited to, the use of
2 gun lockers or other similar storage options may be provided at public
3 entrances.

4 (2) The terms "municipality" and "municipal" are interchangeable and
5 have the same meaning as the term "municipality" is defined in K.S.A. 75-
6 6102, and amendments thereto, but does not include school districts.

7 (3) ~~"Restricted access entrance" means an entrance that is restricted to~~
8 ~~the public and requires a key, keycard, code, or similar device to allow~~
9 ~~entry to authorized personnel. "Public area" means any portion of a state~~
10 ~~or municipal building that is open to and accessible by the public or which~~
11 ~~is otherwise designated as a public area by the governing body or the~~
12 ~~chief administrative officer, if no governing body exists, of such building.~~

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

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

20 (B) ~~On and after July 1, 2014, provided that the provisions of K.S.A.~~
21 ~~2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
22 The term "state and municipal building" shall not include the state capitol.

23 (6) "Weapon" means a weapon described in K.S.A. 2014 Supp. 21-
24 6301, and amendments thereto, except the term "weapon" shall not include
25 any cutting instrument that has a sharpened or pointed blade.

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

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

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