

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2440

By Representative Claeys

12-14

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. 2015 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. 2015 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 ~~building~~ *public area* has adequate security measures to ensure that no
11 weapons are permitted to be carried into such ~~building~~ *public area* and the
12 ~~building~~ *public area* is conspicuously posted **with either permanent or**
13 **temporary signage approved by the governing body, or the chief**
14 **administrative officer, if no governing body exists,** in accordance with
15 K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

16 (b) *The carrying of a concealed handgun shall not be prohibited*
17 *throughout any state or municipal building which contains both public*
18 *access entrances and restricted access entrances shall provide adequate*
19 *security measures at the public access entrances in order to prohibit the*
20 *carrying of any weapons into such building in its entirety, unless such*
21 *building has adequate security measures at all public access entrances to*
22 *ensure that no weapons are permitted to be carried into such building and*
23 *the building is conspicuously posted in accordance with K.S.A. 2015 Supp.*
24 *75-7c10, and amendments thereto.*

25 (c) No state agency or municipality shall prohibit an employee from
26 carrying a concealed handgun at the employee's work place unless the
27 building has adequate security measures *at all public access entrances to*
28 *ensure that no weapons are permitted to be carried into such building,* and
29 the building is conspicuously posted in accordance with K.S.A. 2015
30 Supp. 75-7c10, and amendments thereto.

31 (d) It shall not be a violation of the personal and family protection act
32 for a person to carry a concealed handgun into a state or municipal
33 building, *or any public area thereof,* so long as that person has authority to
34 enter through a restricted access entrance into such building, *or public*
35 *area thereof,* which provides adequate security measures *at all public*
36 *access entrances* and the building is conspicuously posted in accordance

1 with K.S.A. 2015 Supp. 75-7c10, and amendments thereto.

2 (e) A state agency or municipality which provides adequate security
3 measures in a state or municipal building and which conspicuously posts
4 signage in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments
5 thereto, prohibiting the carrying of a concealed handgun in such building
6 shall not be liable for any wrongful act or omission relating to actions of
7 persons carrying a concealed handgun concerning acts or omissions
8 regarding such handguns.

9 (f) A state agency or municipality which does not provide adequate
10 security measures in a state or municipal building and which allows the
11 carrying of a concealed handgun shall not be liable for any wrongful act or
12 omission relating to actions of persons carrying a concealed handgun
13 concerning acts or omissions regarding such handguns.

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

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

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

1 (j) The governing body or the chief administrative officer, if no
2 governing body exists, of any of the following institutions may exempt
3 any building of such institution, *or any public area thereof*, from this
4 section for a period of only four years by stating the reasons for such
5 exemption and sending notice of such exemption to the Kansas attorney
6 general:

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

9 (2) a state or municipal-owned adult care home, as defined in K.S.A.
10 39-923, and amendments thereto;

11 (3) a community mental health center organized pursuant to K.S.A.
12 19-4001 et seq., and amendments thereto;

13 (4) an indigent health care clinic, as defined by K.S.A. 2015 Supp.
14 65-7402, and amendments thereto; or

15 (5) a postsecondary educational institution, as defined in K.S.A. 74-
16 3201b, and amendments thereto, including any buildings located on the
17 grounds of such institution and any buildings leased by such institution.

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

21 (l) Nothing in this section shall be construed to prohibit any law
22 enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and
23 amendments thereto, who satisfies the requirements of either K.S.A. 2015
24 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
25 concealed handgun into any state or municipal building, *or any public*
26 *area thereof*, in accordance with the provisions of K.S.A. 2015 Supp. 75-
27 7c22, and amendments thereto, subject to any restrictions or prohibitions
28 imposed in any courtroom by the chief judge of the judicial district.

29 (m) For purposes of this section:

30 (1) "Adequate security measures" means the use of electronic
31 equipment and personnel at public entrances to detect and restrict the
32 carrying of any weapons into the state or municipal building, *or any public*
33 *area thereof*, including, but not limited to, metal detectors, metal detector
34 wands or any other equipment used for similar purposes to ensure that
35 weapons are not permitted to be carried into such building, *or public area*,
36 by members of the public. Adequate security measures for storing and
37 securing lawfully carried weapons, including, but not limited to, the use of
38 gun lockers or other similar storage options may be provided at public
39 entrances.

40 (2) The terms "municipality" and "municipal" are interchangeable
41 and have the same meaning as the term "municipality" is defined in K.S.A.
42 75-6102, and amendments thereto, but does not include school districts.

43 (3) ~~"Restricted access entrance" means an entrance that is restricted to~~

1 ~~the public and requires a key, keycard, code, or similar device to allow~~
2 ~~entry to authorized personnel~~ "Public area" means any portion of a state
3 or municipal building that is open to and accessible by the public or which
4 is otherwise designated as a public area by the governing body or the
5 chief administrative officer, if no governing body exists, of such building.

6 **(4) "Restricted access entrance" means an entrance that is**
7 **restricted to the public and requires a key, key card, code or similar**
8 **device to allow entry to authorized personnel.**

9 ~~(4)~~ **(5)** "State" means the same as the term is defined in K.S.A. 75-
10 6102, and amendments thereto.

11 ~~(5)~~ **(6)** (A) "State or municipal building" means a building owned or
12 leased by such public entity. It does not include a building owned by the
13 state or a municipality which is leased by a private entity whether for
14 profit or not-for-profit or a building held in title by the state or a
15 municipality solely for reasons of revenue bond financing.

16 (B) On and after July 1, 2014, the term "state and municipal building"
17 shall not include the state capitol.

18 ~~(6)~~ **(7)** "Weapon" means a weapon described in K.S.A. 2015 Supp.
19 21-6301, and amendments thereto, except the term "weapon" shall not
20 include any cutting instrument that has a sharpened or pointed blade.

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

23 Sec. 2. K.S.A. 2015 Supp. 75-7c20 is hereby repealed.

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