

HOUSE BILL No. 2685

By Committee on Federal and State Affairs

2-11

9 AN ACT concerning the personal and family protection act; amending
10 K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the
11 existing sections.
12

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

14 New Section 1. (a) The carrying of a concealed weapon as authorized
15 by the personal and family protection act shall not be prohibited in state
16 or municipality facilities or premises unless such facilities or premises
17 have adequate security measures to ensure that no weapons are permitted
18 to be carried into or on such premises or facilities.

19 (b) No state agency or municipality shall prohibit an employee who
20 is licensed to carry a concealed weapon under provisions of the personal
21 and family protection act from carrying such weapon at the employee's
22 work place unless the work place has adequate security measures to en-
23 sure no weapons are permitted at such work place.

24 (c) For purposes of this section:

25 (1) "Adequate security measures" means the use of electronic equip-
26 ment and personnel to detect and restrict the carrying of any weapons
27 into the facility or on such premises, including, but not limited to, metal
28 detectors, metal detector wands or any other equipment used for similar
29 purposes.

30 (2) "State" means as the term is defined in K.S.A. 75-6102, and
31 amendments thereto.

32 (3) "Municipality" means as the term is defined in K.S.A. 75-6102,
33 and amendments thereto, but does not include school districts.

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

36 Sec. 2. K.S.A. 2009 Supp. 75-7c10 is hereby amended to read as
37 follows: 75-7c10. (a) Provided that the premises are conspicuously posted
38 in accordance with rules and regulations adopted by the attorney general
39 as premises where carrying a concealed weapon is prohibited, *and subject*
40 *to provisions of section 1, and amendments thereto*, no license issued
41 pursuant to this act shall authorize the licensee to carry a concealed
42 weapon into:

43 (1) Any place where an activity declared a common nuisance by

1 K.S.A. 22-3901, and amendments thereto, is maintained;
2 (2) any police, sheriff or highway patrol station;
3 (3) any detention facility, prison or jail;
4 (4) any courthouse;
5 (5) any courtroom, except that nothing in this section would preclude
6 a judge from carrying a concealed weapon or determining who will carry
7 a concealed weapon in the judge's courtroom;
8 (6) any polling place on the day an election is held;
9 (7) any meeting of the governing body of a county, city or other po-
10 litical or taxing subdivision of the state, or any committee or subcommit-
11 tee thereof;
12 (8) on the state fairgrounds;
13 (9) any state office building;
14 (10) any athletic event not related to or involving firearms which is
15 sponsored by a private or public elementary or secondary school or any
16 private or public institution of postsecondary education;
17 (11) any professional athletic event not related to or involving
18 firearms;
19 (12) any portion of a drinking establishment as defined by K.S.A. 41-
20 2601, and amendments thereto, except that this provision shall not apply
21 to a restaurant as defined by K.S.A. 41-2601, and amendments thereto;
22 (13) any elementary or secondary school, attendance center, admin-
23 istrative office, services center or other facility;
24 (14) any community college, college or university facility;
25 (15) any place where the carrying of firearms is prohibited by federal
26 or state law;
27 (16) any child exchange and visitation center provided for in K.S.A.
28 75-720, and amendments thereto;
29 (17) any community mental health center organized pursuant to
30 K.S.A. 19-4001 et seq., and amendments thereto; mental health clinic
31 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto;
32 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments
33 thereto; or state psychiatric hospital, as follows: Larned state hospital,
34 Osawatomie state hospital or Rainbow mental health facility;
35 (18) any city hall;
36 (19) any public library operated by the state or by a political subdi-
37 vision of the state;
38 (20) any day care home or group day care home, as defined in Kansas
39 administrative regulation 28-4-113, or any preschool or childcare center,
40 as defined in Kansas administrative regulation 28-4-420;
41 (21) any church or temple; or
42 (22) any place in violation of K.S.A. 21-4218, and amendments
43 thereto.

1 (b) (1) Violation of this section is a class A misdemeanor.

2 (2) Notwithstanding the provisions of subsection (a), it is not a vio-
3 lation of this section for the United States attorney for the district of
4 Kansas, the attorney general, any district attorney or county attorney, any
5 assistant United States attorney if authorized by the United States attor-
6 ney for the district of Kansas, any assistant attorney general if authorized
7 by the attorney general, or any assistant district attorney or assistant
8 county attorney if authorized by the district attorney or county attorney
9 by whom such assistant is employed, to possess a firearm within any
10 county courthouse or court-related facility, subject to any restrictions or
11 prohibitions imposed in any courtroom by the chief judge of the judicial
12 district. The provisions of this paragraph shall not apply to any person not
13 in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

14 Sec. 3. K.S.A. 2009 Supp. 75-7c11 is hereby amended to read as
15 follows: 75-7c11. (a) *Except as provided in section 1, and amendments*
16 *thereto*, nothing in this act shall be construed to prevent:

17 (1) Any public or private employer from restricting or prohibiting by
18 personnel policies persons licensed under this act from carrying a con-
19 cealed weapon while on the premises of the employer's business or while
20 engaged in the duties of the person's employment by the employer, ex-
21 cept that no employer may prohibit possession of a firearm in a private
22 means of conveyance, even if parked on the employer's premises; or

23 (2) any private business or city, county or political subdivision from
24 restricting or prohibiting persons licensed under this act from carrying a
25 concealed weapon within a building or buildings of such entity, provided
26 that the premises are posted, in accordance with rules and regulations
27 adopted by the attorney general pursuant to this section, as premises
28 where carrying a concealed weapon is prohibited.

29 (b) (1) Carrying a concealed weapon in violation of any restriction or
30 prohibition allowed by subsection (a), if the premises are posted in ac-
31 cordance with rules and regulations adopted by the attorney general, is a
32 class B misdemeanor.

33 (2) Notwithstanding the provisions of subsection (a)(2), it is not a
34 violation of this section for the United States attorney for the district of
35 Kansas, the attorney general, any district attorney or county attorney, any
36 assistant United States attorney if authorized by the United States attor-
37 ney for the district of Kansas, any assistant attorney general if authorized
38 by the attorney general, or any assistant district attorney or assistant
39 county attorney if authorized by the district attorney or county attorney
40 by whom such assistant is employed, to possess a firearm within any
41 county courthouse or court-related facility, subject to any restrictions or
42 prohibitions imposed in any courtroom by the chief judge of the judicial
43 district. The provisions of this paragraph shall not apply to any person not

1 in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

2 (c) The attorney general shall adopt rules and regulations prescribing
3 the location, content, size and other characteristics of signs to be posted
4 on premises where carrying a concealed weapon is prohibited pursuant
5 to subsection (a) of K.S.A. 2009 Supp. 75-7c10 and paragraph (2) of sub-
6 section (a) of K.S.A. 2009 Supp. 75-7c11 and amendments thereto.

7 Sec. 4. K.S.A. 2009 Supp. 21-4218 is hereby amended to read as
8 follows: 21-4218. (a) *Except as provided in section 1, and amendments*
9 *thereto*, possession of a firearm on the grounds of or in the state capitol
10 building, within the governor's residence, on the grounds of or in any
11 building on the grounds of the governor's residence, within the state
12 office building at 915 Harrison known as the Docking state office build-
13 ing, within the state office building at 900 Jackson known as the Landon
14 state office building, within the Kansas judicial center at 301 West 10th,
15 within any other state-owned or leased building if the secretary of ad-
16 ministration has so designated by rules and regulations and conspicuously
17 placed signs clearly stating that firearms are prohibited within such build-
18 ing, and within any county courthouse, unless, by county resolution, the
19 board of county commissioners authorize the possession of a firearm
20 within such courthouse, is possession of a firearm by a person other than
21 a commissioned law enforcement officer, a full-time salaried law enforce-
22 ment officer of another state or the federal government who is carrying
23 out official duties while in this state, any person summoned by any such
24 officer to assist in making arrests or preserving the peace while actually
25 engaged in assisting such officer or a member of the military of this state
26 or the United States engaged in the performance of duties who brings a
27 firearm into, or possesses a firearm within, the state capitol building, any
28 state legislative office, any office of the governor or office of other state
29 government elected official, any hearing room in which any committee
30 of the state legislature or either house thereof is conducting a hearing,
31 the governor's residence, on the grounds of or in any building on the
32 grounds of the governor's residence or the Landon state office building,
33 Docking state office building, Kansas judicial center, county courthouses
34 unless otherwise allowed, or any other state-owned or leased building, so
35 designated.

36 (b) It is not a violation of this section for the governor, the governor's
37 immediate family, or specifically authorized guests of the governor to
38 possess a firearm within the governor's residence or on the grounds of or
39 in any building on the grounds of the governor's residence.

40 (c) It is not a violation of this section for the United States attorney
41 for the district of Kansas, the attorney general, any district attorney or
42 county attorney, any assistant United States attorney if authorized by the
43 United States attorney for the district of Kansas, any assistant attorney

1 general if authorized by the attorney general, or any assistant district
2 attorney or assistant county attorney if authorized by the district attorney
3 or county attorney by whom such assistant is employed, to possess a fire-
4 arm within any county courthouse and court-related facility, subject to
5 any restrictions or prohibitions imposed in any courtroom by the chief
6 judge of the judicial district. The provisions of this paragraph shall not
7 apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19,
8 and amendments thereto.

9 (d) Notwithstanding the provisions of this section, any county may
10 elect by passage of a resolution that the provisions of subsection (c) shall
11 not apply to such county's courthouse or court-related facilities if: (1)
12 Such facilities have adequate security measures to ensure that no weapons
13 are permitted to be carried into such facilities. For the purposes of this
14 section, "adequate security measures" means the use of electronic equip-
15 ment and personnel to detect and restrict the carrying of any weapons
16 into the facility, including, but not limited to, metal detectors, metal de-
17 tector wands or any other equipment used for similar purposes;

18 (2) such facilities have adequate measures for storing and securing
19 lawfully carried weapons, including, but not limited to, the use of gun
20 lockers or other similar storage options;

21 (3) such county also has a policy or regulation requiring all law en-
22 forcement officers to secure and store such officer's firearm upon enter-
23 ing the courthouse or court-related facility. Such policy or regulation may
24 provide that it does not apply to court security or sheriff's office personnel
25 for such county; and

26 (4) such facilities have a sign conspicuously posted at each entryway
27 into such facility stating that the provisions of subsection (c) do not apply
28 to such facility.

29 (e) Violation of subsection (a) is a class A misdemeanor.

30 (f) This section shall be part of and supplemental to the Kansas crim-
31 inal code.

32 Sec. 5. K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 are hereby
33 repealed.

34 Sec. 6. This act shall take effect and be in force from and after its
35 publication in the statute book.