

Senate Substitute for HOUSE BILL No. 2278

By Committee on Ways and Means

5-5

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; prohibiting the carrying of concealed firearms in certain
3 buildings; **concerning the liability of public employers**; amending
4 K.S.A. 2016 Supp. 75-7c10 and 75-7c20 and repealing the existing
5 section sections.
6

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

8 **Section 1.** *K.S.A. 2016 Supp. 75-7c10 is hereby amended to read as*
9 *follows: 75-7c10. Subject to the provisions of K.S.A. 2016 Supp. 75-7c20,*
10 *and amendments thereto:*

11 (a) *The carrying of a concealed handgun shall not be prohibited in*
12 *any building unless such building is conspicuously posted in accordance*
13 *with rules and regulations adopted by the attorney general.*

14 (b) *Nothing in this act shall be construed to prevent any private*
15 *employer from restricting or prohibiting by personnel policies persons*
16 *from carrying a concealed handgun while on the premises of the*
17 *employer's business or while engaged in the duties of the person's*
18 *employment by the employer, except that no employer may prohibit*
19 *possession of a handgun in a private means of conveyance, even if*
20 *parked on the employer's premises.*

21 (c) (1) *Any private entity which provides adequate security*
22 *measures in a private building and which conspicuously posts signage in*
23 *accordance with this section prohibiting the carrying of a concealed*
24 *handgun in such building shall not be liable for any wrongful act or*
25 *omission relating to actions of persons carrying a concealed handgun*
26 *concerning acts or omissions regarding such handguns.*

27 (2) *Any private entity which does not provide adequate security*
28 *measures in a private building and which allows the carrying of a*
29 *concealed handgun shall not be liable for any wrongful act or omission*
30 *relating to actions of persons carrying a concealed handgun concerning*
31 *acts or omissions regarding such handguns.*

32 (3) *Nothing in this act shall be deemed to increase the liability of*
33 *any private entity where liability would have existed under the personal*
34 *and family protection act prior to the effective date of this act.*

1 *(d) The governing body or the chief administrative officer, if no*
2 *governing body exists, of any of the following institutions may permit*
3 *any employee, who is legally qualified, to carry a concealed handgun in*
4 *any building of such institution, if the employee meets such institution's*
5 *own policy requirements regardless of whether such building is*
6 *conspicuously posted in accordance with the provisions of this section:*

7 *(1) A unified school district;*

8 *(2) a postsecondary educational institution, as defined in K.S.A. 74-*
9 *3201b, and amendments thereto;*

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

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

14 *(5) a community mental health center organized pursuant to K.S.A.*
15 *19-4001 et seq., and amendments thereto; or*

16 *(6) an indigent health care clinic, as defined by K.S.A. 2016 Supp.*
17 *65-7402, and amendments thereto.*

18 *(e) No public employer shall restrict or otherwise prohibit by*
19 *personnel policies any employee, who is legally qualified, from carrying*
20 *any concealed handgun while engaged in the duties of such employee's*
21 *employment outside of such employer's place of business, including*
22 *while in a means of conveyance. Public employers shall not be liable for*
23 *any wrongful or negligent act of an employee carrying a concealed*
24 *handgun that is not being carried in the course and scope of such*
25 *employee's employment, concerning acts or omissions regarding such*
26 *handguns.*

27 *(f) (1) It shall be a violation of this section to carry a concealed*
28 *handgun in violation of any restriction or prohibition allowed by*
29 *subsection (a) or (b) if the building is posted in accordance with rules*
30 *and regulations adopted by the attorney general pursuant to subsection*
31 *(j). Any person who violates this section shall not be subject to a*
32 *criminal penalty but may be subject to denial to such premises or*
33 *removal from such premises.*

34 *(2) Notwithstanding the provisions of subsection (a) or (b), it is not*
35 *a violation of this section for the United States attorney for the district of*
36 *Kansas, the attorney general, any district attorney or county attorney,*
37 *any assistant United States attorney if authorized by the United States*
38 *attorney for the district of Kansas, any assistant attorney general if*
39 *authorized by the attorney general, or any assistant district attorney or*
40 *assistant county attorney if authorized by the district attorney or county*
41 *attorney by whom such assistant is employed, to possess a handgun*
42 *within any of the buildings described in subsection (a) or (b), subject to*
43 *any restrictions or prohibitions imposed in any courtroom by the chief*

1 *judge of the judicial district.*

2 *(3) Notwithstanding the provisions of subsection (a) or (b), it is not*
3 *a violation of this section for a law enforcement officer, as that term is*
4 *defined in K.S.A. 2016 Supp. 75-7c22, and amendments thereto, who*
5 *satisfies the requirements of either K.S.A. 2016 Supp. 75-7c22(a) or (b),*
6 *and amendments thereto, to possess a handgun within any of the*
7 *buildings described in subsection (a) or (b), subject to any restrictions or*
8 *prohibitions imposed in any courtroom by the chief judge of the judicial*
9 *district.*

10 *(g) The provisions of this section shall not apply to the carrying of a*
11 *concealed handgun in the state capitol.*

12 *(h) For the purposes of this section:*

13 *(1) "Adequate security measures" shall have the same meaning as*
14 *the term is defined in K.S.A. 2016 Supp. 75-7c20, and amendments*
15 *thereto;*

16 *(2) "building" shall not include any structure, or any area of any*
17 *structure, designated for the parking of motor vehicles; and*

18 *(3) "public employer" means the state and any municipality as*
19 *those terms are defined in K.S.A. 75-6102, and amendments thereto,*
20 *except the term "public employer" shall not include school districts.*

21 *(i) Nothing in this act shall be construed to authorize the carrying*
22 *or possession of a handgun where prohibited by federal law.*

23 *(j) The attorney general shall adopt rules and regulations*
24 *prescribing the location, content, size and other characteristics of signs*
25 *to be posted on a building where carrying a concealed handgun is*
26 *prohibited pursuant to subsections (a) and (b). Such regulations shall*
27 *prescribe, at a minimum, that:*

28 *(1) The signs be posted at all exterior entrances to the prohibited*
29 *buildings;*

30 *(2) the signs be posted at eye level of adults using the entrance and*
31 *not more than 12 inches to the right or left of such entrance;*

32 *(3) the signs not be obstructed or altered in any way; and*

33 *(4) signs which become illegible for any reason be immediately*
34 *replaced.*

35 Section 1. *Sec. 2.* K.S.A. 2016 Supp. 75-7c20 is hereby amended to
36 read as follows: 75-7c20. (a) The carrying of a concealed handgun shall
37 not be prohibited in any public area of any state or municipal building
38 unless such public area has adequate security measures to ensure that no
39 weapons are permitted to be carried into such public area and the public
40 area is conspicuously posted with either permanent or temporary signage
41 approved by the governing body, or the chief administrative officer, if no
42 governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10,
43 and amendments thereto.

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

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

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

21 (2) Any person, who is not an employee of the state or a municipality
22 and is not otherwise authorized to enter a state or municipal building
23 through a restricted access entrance, shall be authorized to enter through a
24 restricted access entrance, provided such person:

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

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

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

39 The chief law enforcement officer, governing body, or the chief
40 administrative officer, if no governing body exists, shall develop criteria
41 for approval of individuals subject to this paragraph to enter the state or
42 municipal building through a restricted access entrance. Such criteria may
43 include the requirement that the individual submit to a state and national

1 criminal history records check before issuance and renewal of such
2 authorization and pay a fee to cover the costs of such background checks.
3 An individual who has been issued a concealed carry permit by the state of
4 Kansas shall not be required to submit to another state and national
5 criminal records check before issuance and renewal of such authorization.
6 Notwithstanding any authorization granted under this paragraph, an
7 individual may be subjected to additional security screening measures
8 upon reasonable suspicion or in circumstances where heightened security
9 measures are warranted. Such authorization does not permit the individual
10 to carry a concealed weapon into a public building, which has adequate
11 security measures, as defined by this act, and which is conspicuously
12 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments
13 thereto.

14 (e) A state agency or municipality ~~which~~ *that* provides adequate
15 security measures in a state or municipal building and which
16 conspicuously posts signage in accordance with K.S.A. 2016 Supp. 75-
17 7c10, and amendments thereto, prohibiting the carrying of a concealed
18 handgun in such building shall not be liable for any wrongful act or
19 omission relating to actions of persons carrying a concealed handgun
20 concerning acts or omissions regarding such handguns.

21 (f) A state agency or municipality ~~which~~ *that* does not provide
22 adequate security measures in a state or municipal building and ~~which~~ *that*
23 allows the carrying of a concealed handgun shall not be liable for any
24 wrongful act or omission relating to actions of persons carrying a
25 concealed handgun concerning acts or omissions regarding such handguns.

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

32 (h) Nothing in this section shall limit the ability of the chief judge of
33 each judicial district to prohibit the carrying of a concealed handgun by
34 any person into courtrooms or ancillary courtrooms within the district
35 provided the public area has adequate security measures to ensure that no
36 weapons are permitted to be carried into such public area and the public
37 area is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-
38 7c10, and amendments thereto.

39 (i) The governing body or the chief administrative officer, if no
40 governing body exists, of a state or municipal building, may exempt the
41 building, or any public area thereof, from this section until July 1, 2017, by
42 adopting a resolution, or drafting a letter, listing the legal description of
43 such building, listing the reasons for such exemption, and including the

1 following statement: "A security plan has been developed for the building
 2 being exempted which supplies adequate security to the occupants of the
 3 building and merits the prohibition of the carrying of a concealed
 4 handgun." A copy of the security plan for the building shall be maintained
 5 on file and shall be made available, upon request, to the Kansas attorney
 6 general and the law enforcement agency of local jurisdiction. Notice of
 7 this exemption, together with the resolution adopted or the letter drafted,
 8 shall be sent to the Kansas attorney general and to the law enforcement
 9 agency of local jurisdiction. The security plan shall not be subject to
 10 disclosure under the Kansas open records act.

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

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

21 ~~(2) a state or municipal-owned adult care home, as defined in K.S.A.~~
 22 ~~39-923, and amendments thereto;~~

23 ~~(3) a community mental health center organized pursuant to K.S.A.~~
 24 ~~19-4001 et seq., and amendments thereto;~~

25 ~~(4) an indigent health care clinic, as defined by K.S.A. 2016 Supp.~~
 26 ~~65-7402, and amendments thereto; or~~

27 ~~(5) a postsecondary educational institution, as defined in K.S.A. 74-~~
 28 ~~3201b, and amendments thereto, including any buildings located on the~~
 29 ~~grounds of such institution and any buildings leased by such institution.~~

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

31 ~~(1) Any building located on the grounds of the Kansas state~~
 32 ~~school for the deaf or the Kansas state school for the blind;~~

33 ~~**(1) (1) Except as provided in subsection (m) and paragraph (2), the**~~
 34 ~~**governing body or the chief administrative officer, if no governing body**~~
 35 ~~**exists, of any of the following institutions may prohibit the carrying of**~~
 36 ~~**concealed handguns in any building of such institutions, including any**~~
 37 ~~**buildings located on the grounds of the institution and any buildings**~~
 38 ~~**leased by the institution, or any public area thereof, provided that the**~~
 39 ~~**building or public area thereof is conspicuously posted in accordance**~~
 40 ~~**with K.S.A. 2016 Supp. 75-7c10, and amendments thereto.**~~

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

43 ~~(3) (B) (3) a state or municipal-owned adult care home, as defined in~~

1 K.S.A. 39-923, and amendments thereto;
 2 ~~(4)(C)~~(4) a community mental health center organized pursuant to
 3 K.S.A. 19-4001 et seq., and amendments thereto;
 4 ~~(5)(D)~~(5) an indigent health care clinic, as defined by K.S.A. 2016
 5 Supp. 65-7402, and amendments thereto; or
 6 ~~(6)(E)~~(6) any building owned or leased by the authority created
 7 under the university of Kansas hospital authority act, any building located
 8 within the health care district, as defined in the unified government of
 9 Wyandotte county and Kansas City, Kansas City-wide master plan,
 10 Rosedale master plan and traffic study or similar master plan or
 11 comprehensive planning or zoning document approved by the unified
 12 government of Wyandotte county and Kansas City, Kansas in effect on
 13 January 12, 2017.

14 ~~(2) Except as provided in subsection (m), any institution listed in~~
 15 ~~paragraph (1) shall not prohibit the holder of a license issued pursuant~~
 16 ~~to or recognized by the personal and family protection act from carrying~~
 17 ~~a concealed handgun in any building of such institution or public area~~
 18 ~~thereof, unless the building or public area has adequate security~~
 19 ~~measures to ensure that no weapons are permitted to be carried into the~~
 20 ~~building or public area or such institution provides gun lockers or~~
 21 ~~similar storage options at the institution to ensure handguns in the~~
 22 ~~possession of such persons are securely stored upon entry, and the~~
 23 ~~building or public area thereof is conspicuously posted in accordance~~
 24 ~~with K.S.A. 2016 Supp. 75-7c10, and amendments thereto.~~

25 ~~(m) Any person who is a patient at Larned state hospital,~~
 26 ~~Osawatomic state hospital, Kansas neurological institute or Parsons~~
 27 ~~state hospital and training center is prohibited from carrying a~~
 28 ~~concealed handgun in any building of such institution or public area~~
 29 ~~thereof.~~

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

38 ~~(m)(o)~~(m) For purposes of this section:

39 (1) "Adequate security measures" means the use of electronic
 40 equipment and armed personnel at public entrances to detect and restrict
 41 the carrying of any weapons into the state or municipal building, or any
 42 public area thereof, including, but not limited to, metal detectors, metal
 43 detector wands or any other equipment used for similar purposes to ensure

1 that weapons are not permitted to be carried into such building or public
2 area by members of the public. Adequate security measures for storing and
3 securing lawfully carried weapons, including, but not limited to, the use of
4 gun lockers or other similar storage options may be provided at public
5 entrances.

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

10 (3) The terms "municipality" and "municipal" are interchangeable
11 and have the same meaning as the term "municipality" is defined in K.S.A.
12 75-6102, and amendments thereto, but does not include school districts.

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

17 (5) "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 (6) "State" means the same as the term is defined in K.S.A. 75-6102,
21 and amendments thereto.

22 (7) (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) The term "state and municipal building" shall not include the
28 state capitol.

29 (8) "Weapon" means a weapon described in K.S.A. 2016 Supp. 21-
30 6301, and amendments thereto, except the term "weapon" shall not include
31 any cutting instrument that has a sharpened or pointed blade.

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

34 Sec. ~~2~~. 3. K.S.A. 2016 Supp. *75-7c10 and 75-7c20* ~~is~~ *are* hereby
35 repealed.

36 Sec. ~~3~~. 4. This act shall take effect and be in force from and after its
37 publication in the statute book.