House Committee on Federal and State Affairs Substitute for Senate Bill No. 65 #3

Balloon Amendments for

Office of Revisor of Statutes

March 16, 2016

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Session of 2016

## Substitute for SENATE BILL No. 65

By Committee on Federal and State Affairs

AN ACT concerning firearms; relating to the personal and family protection act; amending K.S.A. 2015 Supp. 75-7c10 and 75-7c20 and

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

repealing the existing sections

follows: 75-7c10. Subject to the provisions of K.S.A. 2015 Supp. 75-7c20. Section 1. K.S.A. 2015 Supp. 75-7c10 is hereby amended to read as

and amendments thereto:

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11 12 13 14 15 16 10 9 8 any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general. The carrying of a concealed handgun shall not be prohibited in

Nothing in this act shall be construed to prevent-

parked on the employer's premises; or prohibit possession of a handgun in a private means of conveyance, even if personnel policies persons from carrying a concealed handgun while on the person's employment by the employer, except that no employer may the premises of the employer's business or while engaged in the duties of any-public or private employer from restricting or prohibiting by

concealed handgun is prohibited. posted-in accordance with rules and regulations adopted by the attorney general pursuant to subsection (i), as a building where carrying a within a building or buildings of such entity, provided that the building is restricting or prohibiting persons from carrying a concealed handgun-(2)—any private business or city, county or political subdivision from

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

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

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(3) Nothing in this act shall be deemed to increase the liability of any

relating to licensure of active duty military personnel;

75-7c04, 75-7c05,

- family protection act prior to the effective date of this act. private entity where liability would have existed under the personal and
- posted in accordance with the provisions of this section: policy requirements regardless of whether such building is conspicuously building of such institution, if the employee meets such institution's own employee, who is legally qualified, to carry a concealed handgun in any governing body exists, of any of the following institutions may permit any (d) The governing body or the chief administrative officer, if no
- A unified school district;

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- 3201b, and amendments thereto; a postsecondary educational institution, as defined in K.S.A. 74-
- 12 13 14  $\Box$ K.S.A. 65-425, and amendments thereto; a state or municipal-owned medical care facility, as defined in
- 15 39-923, and amendments thereto; (4) a state or municipal-owned adult care home, as defined in K.S.A
- 16 17 19-4001 et seq., and amendments thereto; or (5) a community mental health center organized pursuant to K.S.A
- 65-7402, and amendments thereto. (6) an indigent health care clinic, as defined by K.S.A. 2015 Supp
- 21 22 23 24 25 26 27 18 19 20 any concealed handgun while engaged in the duties of such employee's personnel policies any employee, who is legally qualified, from carrying in a means of conveyance. employment outside of such employer's place of business, including while (e) No public employer shall restrict or otherwise prohibit by
- 31 28 29 30 subsection (a) or (b) if the building is posted in accordance with rules and such premises. penalty but may be subject to denial to such premises or removal from Any person who violates this section shall not be subject to a criminal regulations adopted by the attorney general pursuant to subsection (i) handgun in violation of any restriction or prohibition allowed by (e) (f) (1) It shall be a violation of this section to carry a concealed
- such assistant is employed, to possess a handgun within any of the violation of this section for the United States attorney for the district of prohibitions imposed in any courtroom by the chief judge of the judicia buildings described in subsection (a) or (b), subject to any restrictions or attorney if authorized by the district attorney or county attorney by whom assistant United States attorney if authorized by the United States attorney Kansas, the attorney general, any district attorney or county attorney, any the attorney general, or any assistant district attorney or assistant county for the district of Kansas, any assistant attorney general if authorized by (2) Notwithstanding the provisions of subsection (a) or (b), it is not a

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Notwithstanding the provisions of subsection (a) or (b), it is not a

described in subsection (a) or (b), subject to any restrictions or and amendments thereto, to possess a handgun within any of the buildings satisfies the requirements of either K.S.A. 2015 Supp. 75-7c22(a) or (b), defined in K.S.A. 2015 Supp. 75-7c22, and amendments thereto, who violation of this section for a law enforcement officer, as that term is district. prohibitions imposed in any courtroom by the chief judge of the judicial

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- not apply to the carrying of a concealed handgun in the state capitol. (+) (g) On and after July 1, 2014, the provisions of this section shall
- term is defined in K.S.A. 2015 Supp. 75-7c20, and amendments thereto; (g) (h) For the purposes of this section:
  (1) "Adequate security measures" shall have the same meaning as the
- structure, designated for the parking of motor vehicles; and "building" shall not include any structure, or any area of any
- terms are defined in K.S.A. 75-6102, and amendments thereto. (3) "public employer" means the state and any municipality as those
  - or possession of a handgun where prohibited by federal law. (h) (i) Nothing in this act shall be construed to authorize the carrying
  - pursuant to subsections (a) and (b). Such regulations shall prescribe, at a be posted on a building where carrying a concealed handgun is prohibited prescribing the location, content, size and other characteristics of signs to minimum, that: The attorney general shall adopt rules and regulations
  - buildings; (1) The signs be posted at all exterior entrances to the prohibited
  - not more than 12 inches to the right or left of such entrance; (2) the signs be posted at eye level of adults using the entrance and
  - the signs not be obstructed or altered in any way; and
  - replaced. (4) signs which become illegible for any reason be immediately
  - such-building public area has adequate security measures to ensure that no building public area is conspicuously posted in accordance with K.S.A. weapons are permitted to be carried into such-building public area and the prohibited in any public area of any state or municipal building unless follows: 75-7c20. (a) The carrying of a concealed handgun shall not be 2015 Supp. 75-7c10, and amendments thereto. Sec. 2. K.S.A. 2015 Supp. 75-7c20 is hereby amended to read as
- and restricted access-entrances shall-provide adequate security measures at state or municipal building-which contains both public access entrances weapons into such building in its entirety unless such building has the public access entrances in order to prohibit the earnying of any-<del>personal and family protection aet</del> shall not be prohibited throughout any The carrying of a concealed handgun-as authorized by the

75-7c10, and amendments thereto. building is conspicuously posted in accordance with K.S.A. 2015 Supp. no weapons are permitted to be carried into such building and the adequate security measures at all public access entrances to ensure that

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

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8 9 11 11 12 12 13 13 14 14 11 15 16 16 amendments thereto. conspicuously posted in accordance with K.S.A. 2015 Supp. 75-7c10, and access entrances and the buildings, or public area thereof,} is area thereof, which provides adequate security measures at all public enter through a restricted access entrance into such building, or public building, or any public area thereof, so long as that person has authority to for a person to carry a concealed handgun into a state or municipal (d) It shall not be a violation of the personal and family protection ac

19 20 21 22 22 23 23 24 25 25 27 27 27 27 23 33 33 persons carrying a concealed handgun concerning acts or omissions shall not be liable for any wrongful act or omission relating to actions of thereto, prohibiting the carrying of a concealed handgun in such building signage in accordance with K.S.A. 2015 Supp. 75-7c10, and amendments measures in a state or municipal building and which conspicuously posts regarding such handguns. (e) A state agency or municipality which provides adequate security

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

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

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

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governing body exists, of a state or municipal building, may exempt the (i) The governing body or the chief administrative officer, if no

listing the legal description of such building, listing the reasons for such exemption, and including the following statement: "A security plan has such governing body or chief administrative officer may exempt a state or carrying of a concealed handgun." A copy of the security plan for the municipal building-for a period of only four years, or any public area agency of the local jurisdiction by letter of such exemption. Thereafter, shall not be subject to disclosure under the Kansas open records act. and to the law enforcement agency of local jurisdiction. The security plan adopted or the letter drafted, shall be sent to the Kansas attorney general request, to the Kansas attorney general and the law enforcement agency of building shall be maintained on file and shall be made available, upon security to the occupants of the building and merits the prohibition of the been developed for the building being exempted which supplies adequate thereof, until July 1, 2017, by adopting a resolution, or drafting a letter 2014, by notifying the Kansas attorney general and the law enforcement building, or any public area thereof, from this section until January 1 local jurisdiction. Notice of this exemption, together with the resolution

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- 18 19 20 21 22 23 23 24 25 26 27 27 28 30 30 31 33 34 34 35 36 37 37 section-for-a period of only-four years until July 1, 2017, by stating the any building of such institution, or any public area thereof, from this governing body exists, of any of the following institutions may exempt reasons for such exemption and sending notice of such exemption to the Kansas attorney general: The governing body or the chief administrative officer, if no
  - K.S.A. 65-425, and amendments thereto; A state or municipal-owned medical care facility, as defined in
  - 39-923, and amendments thereto; a state or municipal-owned adult care home, as defined in K.S.A
  - 19-4001 et seq., and amendments thereto; a community mental health center organized pursuant to K.S.A
  - 65-7402, and amendments thereto; or <u>4</u> an indigent health care clinic, as defined by K.S.A. 2015 Supp
  - grounds of such institution and any buildings leased by such institution. 3201b, and amendments thereto, including any buildings located on the (5) a postsecondary educational institution, as defined in K.S.A. 74
  - Kansas state school for the blind. located on the grounds of the Kansas state school for the deaf or the (k) The provisions of this section shall not apply to any building
- concealed handgun into any state or municipal building, or any public amendments thereto, who satisfies the requirements of either K.S.A. 2015 area thereof, in accordance with the provisions of K.S.A. 2015 Supp. 75. Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a enforcement officer, as defined in K.S.A. 2015 Supp. 75-7c22, and Nothing in this section shall be construed to prohibit any law

imposed in any courtroom by the chief judge of the judicial district 7c22, and amendments thereto, subject to any restrictions or prohibitions

- entrances. gun lockers or other similar storage options may be provided at public securing lawfully carried weapons, including, but not limited to, the use of by members of the public. Adequate security measures for storing and weapons are not permitted to be carried into such building or public area wands or any other equipment used for similar purposes to ensure that area thereof, including, but not limited to, metal detectors, metal detector carrying of any weapons into the state or municipal building, or any public equipment and personnel at public entrances to detect and restrict the (m) For purposes of this section:(1) "Adequate security measures" means the use of electronic
- and have the same meaning as the term "municipality" is defined in K.S.A. (2) The terms "municipality" and "municipal" are interchangeable

75-6102, and amendments thereto, but does not include school districts.

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- 20 21 22 23 24 25 26 27 19 18 14 15 16 17 administrative officer, if no governing body exists, of such building. designated as a public area by the governing body or the chief that is open to and accessible by the public or which is otherwise "Public area" means any portion of a state or municipal building
  - entry to authorized personnel. the public and requires a key, keycard, code, or similar device to allow (4) "Restricted access entrance" means an entrance that is restricted to
  - 6102, and amendments thereto. (4) (5) "State" means the same as the term is defined in K.S.A. 75.
- municipality solely for reasons of revenue bond financing. profit or not-for-profit or a building held in title by the state or a state or a municipality which is leased by a private entity whether for leased by such public entity. It does not include a building owned by the (5) (6) (A) "State or municipal building" means a building owned or
- building" shall not include the state capitol. (B) On and after July 1, 2014; The term "state and municipa
- 21-6301, and amendments thereto, except the term "weapon" shall not include any cutting instrument that has a sharpened or pointed blade. (6) (7) "Weapon" means a weapon described in K.S.A. 2015 Supp
- and family protection act. (n) This section shall be a part of and supplemental to the personal

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- K.S.A. 2015 Supp. 75-7c10 and 75-7c20 are hereby repealed
- publication in the statute book. This act shall take effect and be in force from and after its

See attached insert

75-7c04, 75-7c05

And by renumbering remaining sections accordingly

- pursuant to this act if the applicant K.S.A. 2015 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license
- $\equiv$ Is not a resident of the county where application for licensure is made or is not a resident of the state;
- amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 2015 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2015 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and
- (3) is less than 21 years of age.
- sponsored by the attorney general; or (ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement eight-hour handgun safety and training course required by this section. Such standards shall include: (A) A requirement that trainees receive general and a fee not to exceed \$150 certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney such association meet or exceed the standards required by rules and regulations adopted by the attorney general. Any person wanting to be attorney general or by the national rifle association, if the attorney general determines that the requirements for certification of instructors by meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course handgun training for civilians; (C) qualifications of instructors; and (D) a requirement that the course be: (i) A handgun course certified or concealed handguns and the use of deadly force; (B) general guidelines for courses which are compatible with the industry standard for basic training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an

- constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:  $\odot$ The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall
- Evidence of completion of the a course that satisfies the requirements of subsection (b)(1), in the form provided by rules and

regulations adopted by the attorney general;

- completion of the course by the applicant; on  $\overline{\mathbb{B}}$ an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the
- requirements that are equal to or greater than those required by this act; or 0 evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training
- (D) a determination by the attorney general pursuant to subsection (c).
- (c) The attorney general may:
- training requirements that are equal to or greater than those of this state; and Create a list of concealed carry handgun licenses or permits issued by other jurisdictions which the attorney general finds have
- applicant's previous training qualifications were equal to or greater than those of this state. review each application received pursuant to K.S.A. 2015 Supp. 75-7c05, and amendments thereto, to determine if the
- (d) For the purposes of this section:
- in the safe handling, storage and actual firing of handguns required, at a minimum, the applicant to: (A) Receive instruction on the laws of self-defense; and (B) demonstrate training and competency "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having
- "Jurisdiction" means another state or the District of Columbia.

- except for any residency requirement of the issuing jurisdiction, is currently in good standing "License or permit" means a concealed carry handgun license or permit from another jurisdiction which has not expired and,
- act shall be completed, under oath, on a form prescribed by the attorney general and shall only include: K.S.A. 2015 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this
- proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's not be required; who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall identification card and a photocopy of the applicant's certificate of training course completion; (B) in the case of an applicant who presents (1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number
- thereto;  $\mathfrak{D}$ a statement that the applicant is in compliance with criteria contained within K.S.A. 2015 Supp. 75-7c04, and amendments
- a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;
- any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 2015 Supp. 21-5903, and amendments thereto; and a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of
- a statement that the applicant desires a concealed handgun license as a means of lawful self-defense
- resides, during any normal business hours: Except as otherwise provided in subsection (i), the applicant shall submit to the sheriff of the county where the applicant

- (1) A completed application described in subsection (a);
- to the sheriff of the county where the applicant resides and \$100 payable to the attorney general; license has permanently expired, which fee shall be in the form of two cashier's checks, personal checks or money orders of \$32.50 payable  $\odot$ a nonrefundable license fee of \$132.50, if the applicant has not previously been issued a statewide license or if the applicant's
- if applicable, a photocopy of the proof of training required by K.S.A. 2015 Supp. 75-7c04(b)(1), and amendments thereto; and
- a full frontal view photograph of the applicant taken within the preceding 30 days
- application under K.S.A. 2015 Supp. 75-7c08, and amendments thereto. by the sheriff. Notwithstanding anything in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal license fee which is payable to the attorney general. The cost of taking such fingerprints shall be included in the portion of the fee retained as provided by subsection (d). In addition, the sheriff shall forward to the attorney general the application and the portion of the original the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check Except as otherwise provided in subsection (i), the sheriff, upon receipt of the items listed in subsection (b), shall provide for
- sheriff's or chief law enforcement officer's discretion, may participate in the process by submitting a voluntary report to the attorney general officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report. establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, voluntary reporting shall be made within 45 days-after the date the sheriff receives the application. Any sheriff or chief law enforcement The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the
- All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's

office which shall be used solely for the purpose of administering this act.

- applicant and whether the applicant has been convicted of any crime or has been the subject of any restraining order or any mental health standards, including an inquiry of the national instant criminal background check system for the purpose of verifying the identity of the information obtained from the state or national criminal history record check to determine the applicant's eligibility for such license related finding that would disqualify the applicant from holding a license under this act. The attorney general is authorized to use the Each applicant shall be subject to a state and national criminal history records check which conforms to applicable federal
- <u>@</u> Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:
- (1) Issue the license and certify the issuance to the department of revenue; or
- Supp. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 2015 writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under
- equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and amendments thereto, for replacement of a driver's license Each person issued a license shall pay to the department of revenue a fee for the cost of the license which shall be in amounts
- exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission or be: (A) Required to pay an original license fee as provided in subsection (b)(2), to be forwarded by the sheriff to the attorney general; (B) peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the A person who is a retired law enforcement officer, as defined in K.S.A. 2015 Supp. 21-5111, and amendments thereto, shall

application; (C) required to pay the license renewal fee; (D) required to pay to the department of revenue the fees required by subsection (f); and (E) required to comply with the criminal history records check requirement of this section.

- retirement plan of the agency agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter
- and (5) required to comply with the criminal history records check requirement of this section application; (3) required to pay the license renewal fee; (4) required to pay to the department of revenue the fees required by subsection (f); by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the (2) exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training defined by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay an original license fee as provided in subsection (b)(2); A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as
- at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon payable to the attorney general receipt of such items, the sheriff shall forward to the attorney general the application and the portion of the original license fee which is the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is