

Substitute for SENATE BILL No. 53

By Committee on Federal and State Affairs

3-28

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; authorizing prohibition of firearms in secured areas of
3 state hospitals; amending K.S.A. 2016 Supp. 75-7c20 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2016 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 public area has adequate security measures to ensure that no weapons
11 are permitted to be carried into such public area and the public area is
12 conspicuously posted with either permanent or temporary signage
13 approved by the governing body, or the chief administrative officer, if no
14 governing body exists, in accordance with K.S.A. 2016 Supp. 75-7c10,
15 and amendments thereto.

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

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

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

35 (2) Any person, who is not an employee of the state or a municipality
36 and is not otherwise authorized to enter a state or municipal building

1 through a restricted access entrance, shall be authorized to enter through a
2 restricted access entrance, provided such person:

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

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

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

17 The chief law enforcement officer, governing body, or the chief
18 administrative officer, if no governing body exists, shall develop criteria
19 for approval of individuals subject to this paragraph to enter the state or
20 municipal building through a restricted access entrance. Such criteria may
21 include the requirement that the individual submit to a state and national
22 criminal history records check before issuance and renewal of such
23 authorization and pay a fee to cover the costs of such background checks.
24 An individual who has been issued a concealed carry permit by the state of
25 Kansas shall not be required to submit to another state and national
26 criminal records check before issuance and renewal of such authorization.
27 Notwithstanding any authorization granted under this paragraph, an
28 individual may be subjected to additional security screening measures
29 upon reasonable suspicion or in circumstances where heightened security
30 measures are warranted. Such authorization does not permit the individual
31 to carry a concealed weapon into a public building, which has adequate
32 security measures, as defined by this act, and which is conspicuously
33 posted in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments
34 thereto.

35 (e) A state agency or municipality which provides adequate security
36 measures in a state or municipal building and which conspicuously posts
37 signage in accordance with K.S.A. 2016 Supp. 75-7c10, and amendments
38 thereto, prohibiting the carrying of a concealed handgun in such building
39 shall not be liable for any wrongful act or omission relating to actions of
40 persons carrying a concealed handgun concerning acts or omissions
41 regarding such handguns.

42 (f) A state agency or municipality which does not provide adequate
43 security measures in a state or municipal building and which allows the

1 carrying of a concealed handgun shall not be liable for any wrongful act or
2 omission relating to actions of persons carrying a concealed handgun
3 concerning acts or omissions regarding such handguns.

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

11 (h) Nothing in this section shall limit the ability of the chief judge of
12 each judicial district to prohibit the carrying of a concealed handgun by
13 any person into courtrooms or ancillary courtrooms within the district
14 provided the public area has adequate security measures to ensure that no
15 weapons are permitted to be carried into such public area and the public
16 area is conspicuously posted in accordance with K.S.A. 2016 Supp. 75-
17 7c10, and amendments thereto.

18 (i) The governing body or the chief administrative officer, if no
19 governing body exists, of a state or municipal building, may exempt the
20 building, or any public area thereof, from this section until July 1, 2017, by
21 adopting a resolution, or drafting a letter, listing the legal description of
22 such building, listing the reasons for such exemption, and including the
23 following statement: "A security plan has been developed for the building
24 being exempted which supplies adequate security to the occupants of the
25 building and merits the prohibition of the carrying of a concealed
26 handgun." A copy of the security plan for the building shall be maintained
27 on file and shall be made available, upon request, to the Kansas attorney
28 general and the law enforcement agency of local jurisdiction. Notice of
29 this exemption, together with the resolution adopted or the letter drafted,
30 shall be sent to the Kansas attorney general and to the law enforcement
31 agency of local jurisdiction. The security plan shall not be subject to
32 disclosure under the Kansas open records act.

33 (j) The governing body or the chief administrative officer, if no
34 governing body exists, of any of the following institutions may exempt
35 any building of such institution, or any public area thereof, from this
36 section until July 1, 2017, by stating the reasons for such exemption and
37 sending notice of such exemption to the Kansas attorney general:

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

40 (2) a state or municipal-owned adult care home, as defined in K.S.A.
41 39-923, and amendments thereto;

42 (3) a community mental health center organized pursuant to K.S.A.
43 19-4001 et seq., and amendments thereto;

1 (4) an indigent health care clinic, as defined by K.S.A. 2016 Supp.
2 65-7402, and amendments thereto; or

3 (5) a postsecondary educational institution, as defined in K.S.A. 74-
4 3201b, and amendments thereto, including any buildings located on the
5 grounds of such institution and any buildings leased by such institution.

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

9 (l) Nothing in this section shall be construed to prohibit any law
10 enforcement officer, as defined in K.S.A. 2016 Supp. 75-7c22, and
11 amendments thereto, who satisfies the requirements of either K.S.A. 2016
12 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying a
13 concealed handgun into any state or municipal building, or any public area
14 thereof, in accordance with the provisions of K.S.A. 2016 Supp. 75-7c22,
15 and amendments thereto, subject to any restrictions or prohibitions
16 imposed in any courtroom by the chief judge of the judicial district.

17 (m) For purposes of this section:

18 (1) "Adequate security measures" means the use of electronic
19 equipment and armed personnel at public entrances to detect and restrict
20 the carrying of any weapons into the state or municipal building, or any
21 public area thereof, including, but not limited to, metal detectors, metal
22 detector wands or any other equipment used for similar purposes to ensure
23 that weapons are not permitted to be carried into such building or public
24 area by members of the public. Adequate security measures for storing and
25 securing lawfully carried weapons, including, but not limited to, the use of
26 gun lockers or other similar storage options may be provided at public
27 entrances.

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

32 (3) The terms "municipality" and "municipal" are interchangeable
33 and have the same meaning as the term "municipality" is defined in K.S.A.
34 75-6102, and amendments thereto, but does not include school districts.

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

39 (5) "Restricted access entrance" means an entrance that is restricted to
40 the public and requires a key, keycard, code, or similar device to allow
41 entry to authorized personnel.

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

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

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

8 (8) *"State psychiatric institution" means Larned state hospital,*
9 *Osawatomie state hospital, Rainbow mental health facility, Winfield state*
10 *hospital and training center, Parsons state hospital and training center*
11 *and the Kansas neurological institute.*

12 (9) "Weapon" means a weapon described in K.S.A. 2016 Supp. 21-
13 6301, and amendments thereto, except the term "weapon" shall not include
14 any cutting instrument that has a sharpened or pointed blade.

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

17 Sec. 2. K.S.A. 2016 Supp. 75-7c20 is hereby repealed.

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