

SENATE BILL NO. 157

By Committee on Judiciary

2-8

Proposed Amendments to SB 157
March 19, 2013
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Office of Revisor of Statutes

1 AN ACT concerning the personal and family protection act, amending sections
2 K.S.A. 2012 Supp. 75-7c10 and repealing the existing section.

21-6302 and

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

4 Section 1. K.S.A. 2012 Supp. 75-7c10 is hereby amended to read as
5 follows: 75-7c10. (a) Provided that the premises are conspicuously posted
6 in accordance with rules and regulations adopted by the attorney general as
7 premises where carrying a concealed handgun is prohibited, no license
8 issued pursuant to or recognized by this act shall authorize the licensee to
9 carry a concealed handgun into the building of:

10 (1) Any place where an activity declared a common nuisance by
11 K.S.A. 22-3901, and amendments thereto, is maintained;

12 (2) any police, sheriff or highway patrol station;

13 (3) any detention facility, prison or jail;

14 (4) any courthouse, except that nothing in this section would preclude
15 a judge from carrying a concealed handgun or determining who may carry
16 a concealed handgun in the judge's courtroom;

17 (5) any polling place on the day an election is held;

18 (6) any state office;

19 (7) any facility hosting an athletic event not related to or involving
20 firearms which is sponsored by a private or public elementary or
21 secondary school or any private or public institution of postsecondary
22 education;

23 (8) any facility hosting a professional athletic event not related to or
24 involving firearms;

25 (9) any drinking establishment as defined by K.S.A. 41-2601, and
26 amendments thereto;

27 (10) any elementary or secondary school, attendance center,
28 administrative office, services center or other facility;

29 (11) any community college, college or university;

30 (12) any child exchange and visitation center provided for in K.S.A.
31 75-720, and amendments thereto;

32 (13) any community mental health center organized pursuant to
33 K.S.A. 19-4001 et seq., and amendments thereto; any mental health clinic
34 organized pursuant to K.S.A. 65-211 et seq., and amendments thereto; any
35 psychiatric hospital licensed under K.S.A. 75-3307b, and amendments
36

1 thereto, or a state psychiatric hospital, as follows: Larned state hospital,
2 Osawatomie state hospital or Rainbow mental health facility;

3 (14) any public library operated by the state;

4 (15) any day care home or group day care home, as defined in Kansas
5 administrative regulation 28-4-113, or any preschool or childcare center, as
6 defined in Kansas administrative regulation 28-4-420; or

7 (16) any place of worship.

8 (b) Nothing in this act shall be construed to prevent:

9 (1) Any public or private employer from restricting or prohibiting by
10 personnel policies persons licensed under this act from carrying a
11 concealed handgun while on the premises of the employer's business or
12 while engaged in the duties of the person's employment by the employer,
13 except that no employer may prohibit possession of a handgun in a private
14 means of conveyance, even if parked on the employer's premises; or

15 (2) any private business or city, county or political subdivision from
16 restricting or prohibiting persons licensed or recognized under this act
17 from carrying a concealed handgun within a building or buildings of such
18 entity, provided that the premises are posted in accordance with rules and
19 regulations adopted by the attorney general pursuant to subsection (f), as
20 premises where carrying a concealed handgun is prohibited.

21 (c) (1) It shall be a violation of this section to carry a concealed
22 handgun in violation of any restriction or prohibition allowed by
23 subsection (a) or (b) if the premises are posted in accordance with rules
24 and regulations adopted by the attorney general pursuant to subsection (f).
25 Any person who violates this section shall be guilty of a misdemeanor
26 punishable by a fine of: (A) Not more than \$50 for the first offense; or (B)
27 not more than \$100 for the second offense. Any third or subsequent
28 offense is a class B misdemeanor.

29 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a
30 violation of this section for the United States attorney for the district of
31 Kansas, the attorney general, any district attorney or county attorney, any
32 assistant United States attorney if authorized by the United States attorney
33 for the district of Kansas, any assistant attorney general if authorized by
34 the attorney general, or any assistant district attorney or assistant county
35 attorney if authorized by the district attorney or county attorney by whom
36 such assistant is employed, or a law enforcement officer from another
37 state or a retired law enforcement officer meeting the requirements of the
38 federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C,
39 to possess a handgun within any of the buildings described in subsection
40 (a) or (b), subject to any restrictions or prohibitions imposed in any
41 courtroom by the chief judge of the judicial district. The provisions of this
42 paragraph shall not apply to any person who is not in compliance with
43 K.S.A. 2012 Supp. 75-7c19, and amendments thereto.

(3) Notwithstanding the provisions of subsection (a) or (b), it is not a violation of this section for a law enforcement officer from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, to possess a handgun within any of the buildings described in subsection (a) or (b), subject to any restrictions or prohibitions imposed in any courtroom by the chief judge of the judicial district.

1 (d) For the purposes of this section, "building" shall not include any
2 structure, or any area of any structure, designated for the parking of motor
3 vehicles.

4 (e) Nothing in this act shall be construed to authorize the carrying or
5 possession of a handgun where prohibited by federal law.

6 (f) The attorney general shall adopt rules and regulations prescribing
7 the location, content, size and other characteristics of signs to be posted on
8 premises where carrying a concealed handgun is prohibited pursuant to
9 subsections (a) and (b). Such regulations shall prescribe, at a minimum,
10 that:

11 (1) The signs be posted at all exterior entrances to the prohibited
12 buildings;

13 (2) ~~they~~ the signs be posted at eye level of adults using the entrance
14 and not more than 12 inches to the right or left of such entrance;

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

16 (4) signs which become illegible for any reason be immediately
17 replaced.

18 ~~Sec. 2. K.S.A. 2012 Supp. 75-7c10 is hereby repealed.~~

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

Insert Attachment A

are

21-6302 and

And by redesignating sections accordingly

Sec. 2. K.S.A. 2012 Supp. 21-6302 is hereby amended to read as follows: 21-6302. (a) Criminal carrying of a weapon is knowingly carrying:

- (1) Any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;
 - (2) concealed on one's person, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;
 - (3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
 - (4) any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business; or
 - (5) a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically.
- (b) Criminal carrying of a weapon as defined in:
- (1) Subsections Subsection (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson misdemeanor; and
 - (2) subsection (a)(5) is a severity level 9, nonperson felony.
- (c) Subsection (a) shall not apply to:
- (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - (2) law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C;
 - (3) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
 - (4) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or
 - (5) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.
- (d) Subsection (a)(4) shall not apply to:
- (1) Watchmen, while actually engaged in the performance of the duties of their employment;
 - (2) licensed hunters or fishermen, while engaged in hunting or fishing;
 - (3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;
 - (4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;
 - (5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto;
 - (6) special deputy sheriffs described in K.S.A. 19-827, and amendments thereto, who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a, and amendments thereto;
 - (7) the United States attorney for the district of Kansas, the attorney general, any district attorney or county attorney, any assistant United States attorney if authorized by the United States attorney for the district of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 75-7c19, and amendments thereto; or
 - (8) any person carrying a concealed handgun as authorized by K.S.A. 2012 Supp. 75-7c01 through 75-7c17, and amendments thereto.
- (e) Subsection (a)(5) shall not apply to:
- (1) Any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor;

- (2) any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsection (a)(5) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory; or
- (3) any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.
- (f) Subsection (a)(1) shall not apply to any ordinary pocket knife which has a spring, detent or other device which creates a bias towards closure of the blade and which requires hand pressure applied to such spring, detent or device through the blade of the knife to overcome the bias towards closure to assist in the opening of the knife.
- (g) It shall not be a violation of this section if a person violates the provisions of K.S.A. 2012 Supp. 75-7603, and amendments thereto, but has an otherwise valid license to carry a concealed handgun which is issued or recognized by this state.
- (h) As used in this section, "throwing star" means the same as prescribed by K.S.A. 2012 Supp. 21-6301, and amendments thereto.