

As Amended by House Committee

Session of 2010

HOUSE BILL No. 2685

By Committee on Federal and State Affairs

2-11

10 AN ACT concerning the personal and family protection act; amending  
11 K.S.A. 2009 Supp. 21-4218, 75-7c10 and 75-7c11 and repealing the  
12 existing sections.  
13

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

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

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

25 (c) For purposes of this section:

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

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

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

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

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

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

1   thereto.

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

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

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

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

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

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

35       (2) Notwithstanding the provisions of subsection (a)(2), it is not a  
36  violation of this section for the United States attorney for the district of  
37  Kansas, the attorney general, any district attorney or county attorney, any  
38  assistant United States attorney if authorized by the United States attor-  
39  ney for the district of Kansas, any assistant attorney general if authorized  
40  by the attorney general, or any assistant district attorney or assistant  
41  county attorney if authorized by the district attorney or county attorney  
42  by whom such assistant is employed, to possess a firearm within any  
43  county courthouse or court-related facility, subject to any restrictions or

1 prohibitions imposed in any courtroom by the chief judge of the judicial  
2 district. The provisions of this paragraph shall not apply to any person not  
3 in compliance with K.S.A. 2009 Supp. 75-7c19, and amendments thereto.

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

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

38 **(b) It is not a violation of this section for a person to possess a**  
39 **firearm as authorized under the personal and family protection**  
40 **act unless the facilities or premises have adequate security meas-**  
41 **ures as defined in subsection (e) to ensure that no firearms are**  
42 **permitted to be carried into or on such premises or facilities.**

43 ~~(b)~~ (c) It is not a violation of this section for the governor, the gov-

1 ernor’s immediate family, or specifically authorized guests of the governor  
2 to possess a firearm within the governor’s residence or on the grounds of  
3 or in any building on the grounds of the governor’s residence.

4 ~~(c)~~ **(d)** It is not a violation of this section for the United States attorney  
5 for the district of Kansas, the attorney general, any district attorney or  
6 county attorney, any assistant United States attorney if authorized by the  
7 United States attorney for the district of Kansas, any assistant attorney  
8 general if authorized by the attorney general, or any assistant district  
9 attorney or assistant county attorney if authorized by the district attorney  
10 or county attorney by whom such assistant is employed, to possess a fire-  
11 arm within any county courthouse and court-related facility, subject to  
12 any restrictions or prohibitions imposed in any courtroom by the chief  
13 judge of the judicial district. The provisions of this paragraph shall not  
14 apply to any person not in compliance with K.S.A. 2009 Supp. 75-7c19,  
15 and amendments thereto.

16 ~~(d)~~ **(e)** Notwithstanding the provisions of this section, any county may  
17 elect by passage of a resolution that the provisions of subsection (c) shall  
18 not apply to such county’s courthouse or court-related facilities if: (1)  
19 Such facilities have adequate security measures to ensure that no weapons  
20 are permitted to be carried into such facilities. For the purposes of this  
21 section, “adequate security measures” means the use of electronic equip-  
22 ment and personnel to detect and restrict the carrying of any weapons  
23 into the facility, including, but not limited to, metal detectors, metal de-  
24 tector wands or any other equipment used for similar purposes;

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

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

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

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

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

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

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