

SENATE BILL No. 394

By Committee on Judiciary

2-7

1 AN ACT concerning ~~the secretary of corrections; establishing the justice~~
2 ~~reinvestment working group; relating to transfer or discharge of certain~~
3 ~~offenders~~ {corrections and corrections officers and concealed
4 handguns; relating to the prison-made goods act; prohibiting the
5 manufacture or production of manufactured homes or modular
6 homes;} amending K.S.A. 2011 Supp. {75-7c05 and 21-6309, 75-7c10
7 and} 75-5220 and repealing the existing ~~section~~ {sections}.

8
9 *Be it enacted by the Legislature of the State of Kansas:*

10 {New Section. 1. (a) Notwithstanding any provision of the prison-
11 made goods act of Kansas to the contrary, the secretary shall not
12 establish or maintain a home building program which manufacturers
13 or produces housing units which would compete with the:

14 (1) (A) Manufactured homes or modular homes manufactured,
15 assembled or sold by manufactured home manufacturers; or

16 (B) manufactured homes or modular homes sold by
17 manufactured home dealers; or

18 (2) (A) Modular homes manufactured, assembled or sold by
19 modular home manufacturers; or

20 (B) modular homes sold by modular home dealers.

21 (b) As used in this section:

22 (1) "Manufactured home" has the meaning ascribed to such term
23 by K.S.A. 58-4202, and amendments thereto;

24 (2) "manufactured home dealer" has the meaning ascribed to
25 such term by K.S.A. 58-4202, and amendments thereto;

26 (3) "manufactured home manufacturer" has the meaning
27 ascribed to such term by K.S.A. 58-4202, and amendments thereto;
28 and

29 (4) "modular home" has the meaning ascribed to such term by
30 K.S.A. 58-4202, and amendments thereto.

31 (5) "secretary" means the secretary of corrections.

32 (6) "Vocational building program" means the vocational building
33 program operated by the secretary to provide individual, freestanding
34 buildings, not to exceed 1,000 square feet in size, to state agencies for

1 use by such agencies.

2 (c) The provisions of this section shall not apply to a vocational
3 building program.

4 (d) This section shall be a part of and supplemental to the prison-
5 made goods act of Kansas.}

6 New Sec. ~~1~~{2}. (a) The secretary of corrections shall establish the
7 justice reinvestment working group.

8 (b) The working group shall consist of the following members:

9 (1) One senator appointed by the president of the senate;

10 (2) one representative appointed by the speaker of the house of
11 representatives;

12 (3) one senator appointed by the minority leader of the senate;

13 (4) one representative appointed by the minority leader of the
14 house of representatives;

15 (5) one member appointed by the governor;

16 (6) one member appointed by the attorney general;

17 (7) one member appointed by the chief justice of the supreme
18 court;

19 (8) one member shall represent court services officers, appointed
20 by the chief justice of the supreme court;

21 (9) the secretary of corrections;

22 (10) the director of victims services of the department of
23 corrections;

24 (11) one member shall represent community corrections,
25 appointed by the secretary of corrections;

26 (12) one member of the prisoner review board, appointed by the
27 secretary of corrections;

28 (13) one member shall be a prosecuting attorney, appointed by
29 the Kansas county and district attorneys association;

30 (14) one member shall represent public defenders, appointed by
31 the executive director of the state board of indigents' defense services;

32 (15) one member shall represent mental health providers,
33 appointed by the secretary for aging and disability services;

34 (16) one member shall be a sheriff, appointed by the Kansas
35 sheriff's association; and

36 (17) one member shall be a law enforcement officer, appointed by
37 the Kansas association of chiefs of police.

38 (c) The ~~member~~{members} appointed by the ~~attorney~~
39 ~~general~~{president of the senate and the speaker of the house of
40 representatives} shall serve as ~~chairperson~~{co-chairs} of the working
41 group. {The secretary of corrections shall serve as vice-chairperson.}
42 The working group shall meet on call of ~~the chairperson~~{either co-
43 chair} or on the request of nine members of the working group. Nine

1 members of the working group shall constitute a quorum. All actions
2 of the working group shall be taken by a majority of all members of
3 the working group.

4 (d) The working group shall undertake a study of the data-
5 driven, fiscally responsible policies and practices that can increase
6 public safety and reduce recidivism and spending on corrections in
7 Kansas.

8 (e) On or before January 1, 2013, the working group shall submit
9 a report of the working group's activities and recommendations
10 regarding increased public safety and reducing recidivism and
11 spending on corrections in Kansas to the secretary of the senate and
12 the chief clerk of the house of representatives.

13 (f) The members of the working group attending meetings of such
14 working group, or attending a subcommittee meeting thereof
15 authorized by such working group, shall receive amounts provided for
16 in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon
17 vouchers approved by the secretary of corrections or a person or
18 persons designated by the secretary.}

19 ~~{Section 1. Sec. 23.}~~ K.S.A. 2011 Supp. 75-5220 is hereby amended to
20 read as follows: 75-5220. (a) Except as provided in subsections (d), (e) and
21 (f), within four business days of receipt of the notice provided for in
22 K.S.A. 75-5218, and amendments thereto, the secretary of corrections
23 shall notify the sheriff having such offender in custody to convey such
24 offender immediately to the department of corrections reception and
25 diagnostic unit or if space is not available at such facility, then to some
26 other state correctional institution until space at the facility is available,
27 except that, in the case of first offenders who are conveyed to a state
28 correctional institution other than the reception and diagnostic unit, such
29 offenders shall be segregated from the inmates of such correctional
30 institution who are not being held in custody at such institution pending
31 transfer to the reception and diagnostic unit when space is available
32 therein. The expenses of any such conveyance shall be charged against and
33 paid out of the general fund of the county whose sheriff conveys the
34 offender to the institution as provided in this subsection.

35 (b) Any female offender sentenced according to the provisions of
36 K.S.A. 75-5229, and amendments thereto, shall be conveyed by the sheriff
37 having such offender in custody directly to a correctional institution
38 designated by the secretary of corrections, subject to the provisions of
39 K.S.A. 75-52,134, and amendments thereto. The expenses of such
40 conveyance to the designated institution shall be charged against and paid
41 out of the general fund of the county whose sheriff conveys such female
42 offender to such institution.

43 (c) Each offender conveyed to a state correctional institution pursuant

1 to this section shall be accompanied by the record of the offender's trial
2 and conviction as prepared by the clerk of the district court in accordance
3 with K.S.A. 75-5218, and amendments thereto.

4 (d) If the offender in the custody of the secretary is a juvenile, as
5 described in K.S.A. 2011 Supp. 38-2366, and amendments thereto, such
6 juvenile shall not be transferred to the state reception and diagnostic center
7 until such time as such juvenile is to be transferred from a juvenile
8 correctional facility to a department of corrections institution or facility.

9 (e) Any offender sentenced to a facility designated by the secretary of
10 corrections to participate in an intensive substance abuse treatment
11 program shall not be transferred to the state reception and diagnostic
12 center but directly to such facility, unless otherwise directed by the
13 secretary. The secretary may transfer the housing and confinement of any
14 offender sentenced to a facility to participate in an intensive substance
15 abuse treatment program to any institution or facility pursuant to K.S.A.
16 75-5206, and amendments thereto.

17 (f) If the offender has ~~40~~ 20 or less days remaining to be served on
18 the prison portion of the sentence at the time the notice provided for in
19 K.S.A. 75-5218, and amendments thereto, is received by the secretary of
20 corrections, the secretary may order the offender discharged from the
21 prison portion of the sentence.

22 (g) All costs incurred for medical care and treatment of the offender
23 while in the actual physical custody of the secretary of corrections shall be
24 the responsibility of the secretary of corrections.}

25 **{Sec. 34. K.S.A. 2011 Supp. 75-7c05 is hereby amended to read as**
26 **follows: 75-7c05. (a) The application for a license pursuant to this act**
27 **shall be completed, under oath, on a form prescribed by the attorney**
28 **general and shall only include:**

29 **(1) (A) Subject to the provisions of subsection (a)(1)(B), the name,**
30 **address, social security number, Kansas driver's license number or**
31 **Kansas nondriver's license identification number, place and date of**
32 **birth, a photocopy of the applicant's driver's license or nondriver's**
33 **identification card and a photocopy of the applicant's certificate of**
34 **training course completion; (B) in the case of an applicant who**
35 **presents proof that such person is on active duty with any branch of**
36 **the armed forces of the United States, or is the dependent of such a**
37 **person, and who does not possess a Kansas driver's license or Kansas**
38 **nondriver's license identification, the number of such license or**
39 **identification shall not be required;**

40 **(2) a statement that the applicant is in compliance with criteria**
41 **contained within K.S.A. 2011 Supp. 75-7c04, and amendments thereto;**

42 **(3) a statement that the applicant has been furnished a copy of**
43 **this act and is knowledgeable of its provisions;**

1 **(4) a conspicuous warning that the application is executed under**
2 **oath and that a false answer to any question, or the submission of any**
3 **false document by the applicant, subjects the applicant to criminal**
4 **prosecution under K.S.A. 2011 Supp. 21-5903, and amendments**
5 **thereto; and**

6 **(5) a statement that the applicant desires a concealed handgun**
7 **license as a means of lawful self-defense.**

8 **(b) The applicant shall submit to the sheriff of the county where**
9 **the applicant resides, during any normal business hours:**

10 **(1) A completed application described in subsection (a);**

11 **(2) ~~except as provided by subsection (g),~~ a nonrefundable license**
12 **fee of \$132.50, if the applicant has not previously been issued a**
13 **statewide license or if the applicant's license has permanently expired,**
14 **which fee shall be in the form of two cashier's checks, personal checks**
15 **or money orders of \$32.50 payable to the sheriff of the county where**
16 **the applicant resides and \$100 payable to the attorney general;**

17 **(3) a photocopy of a certificate or an affidavit or document as**
18 **described in subsection (b) of K.S.A. 2011 Supp. 75-7c04, and**
19 **amendments thereto, or if applicable, of a license to carry a firearm as**
20 **described in subsection (d) of K.S.A. 2011 Supp. 75-7c03, and**
21 **amendments thereto; and**

22 **(4) a full frontal view photograph of the applicant taken within**
23 **the preceding 30 days.**

24 **(c) (1) The sheriff, upon receipt of the items listed in subsection**
25 **(b) of this section, shall provide for the full set of fingerprints of the**
26 **applicant to be taken and forwarded to the attorney general for**
27 **purposes of a criminal history records check as provided by**
28 **subsection (d). In addition, the sheriff shall forward to the attorney**
29 **general a copy of the application and the portion of the original license**
30 **fee which is payable to the attorney general. The cost of taking such**
31 **fingerprints shall be included in the portion of the fee retained by the**
32 **sheriff. Notwithstanding anything in this section to the contrary, an**
33 **applicant shall not be required to submit fingerprints for a renewal**
34 **application under K.S.A. 2011 Supp. 75-7c08, and amendments**
35 **thereto.**

36 **(2) The sheriff of the applicant's county of residence or the chief**
37 **law enforcement officer of any law enforcement agency, at the sheriff's**
38 **or chief law enforcement officer's discretion, may participate in the**
39 **process by submitting a voluntary report to the attorney general**
40 **containing readily discoverable information, corroborated through**
41 **public records, which, when combined with another enumerated**
42 **factor, establishes that the applicant poses a significantly greater**
43 **threat to law enforcement or the public at large than the average**

1 citizen. Any such voluntary reporting shall be made within 45 days
2 after the date the sheriff receives the application. Any sheriff or chief
3 law enforcement officer submitting a voluntary report shall not incur
4 any civil or criminal liability as the result of the good faith submission
5 of such report.

6 (3) All funds retained by the sheriff pursuant to the provisions of
7 this section shall be credited to a special fund of the sheriff's office
8 which shall be used solely for the purpose of administering this act.

9 (d) Each applicant shall be subject to a state and national
10 criminal history records check which conforms to applicable federal
11 standards, including an inquiry of the national instant criminal
12 background check system for the purpose of verifying the identity of
13 the applicant and whether the applicant has been convicted of any
14 crime or has been the subject of any restraining order or any mental
15 health related finding that would disqualify the applicant from
16 holding a license under this act. The attorney general is authorized to
17 use the information obtained from the state or national criminal
18 history record check to determine the applicant's eligibility for such
19 license.

20 (e) Within 90 days after the date of receipt of the items listed in
21 subsection (b), the attorney general shall:

22 (1) Issue the license and certify the issuance to the department of
23 revenue; or

24 (2) deny the application based solely on: (A) The report
25 submitted by the sheriff or other chief law enforcement officer under
26 subsection (c)(2) for good cause shown therein; or (B) the ground that
27 the applicant is disqualified under the criteria listed in K.S.A. 2011
28 Supp. 75-7c04, and amendments thereto. If the attorney general denies
29 the application, the attorney general shall notify the applicant in
30 writing, stating the ground for denial and informing the applicant the
31 opportunity for a hearing pursuant to the Kansas administrative
32 procedure act.

33 (f) Each person issued a license shall pay to the department of
34 revenue a fee for the cost of the license which shall be in amounts
35 equal to the fee required pursuant to K.S.A. 8-243 and 8-246, and
36 amendments thereto, for replacement of a driver's license.

37 (g) (1) A person who is a retired law enforcement officer, as
38 defined in K.S.A. 2011 Supp. 21-5111, and amendments thereto, shall
39 be: (A) ~~Required to pay an original license fee of \$75, which fee shall~~
40 ~~be in the form of two cashier checks or money orders, \$25 payable to the~~
41 ~~sheriff of the county where the applicant resides and \$50 payable to the~~
42 ~~attorney general, to be forwarded by the sheriff to the attorney general as~~
43 ~~provided by subsection (b)(2);~~ (B) exempt from the required completion

1 of a ~~weapons~~ handgun safety and training course if such person was
2 certified by the Kansas commission on peace officer's standards and
3 training, or similar body from another jurisdiction, not more than
4 eight years prior to submission of the application; (C) required to pay
5 the license renewal fee; (D) required to pay to the department of
6 revenue the fees required by subsection (f); and (E) required to
7 comply with the criminal history records check requirement of this
8 section.

9 (2) Proof of retirement as a law enforcement officer shall be
10 required and provided to the attorney general in the form of a letter
11 from the agency head, or their designee, of the officer's retiring agency
12 that attests to the officer having retired in good standing from that
13 agency as a law enforcement officer for reasons other than mental
14 instability and that the officer has a nonforfeitable right to benefits
15 under a retirement plan of the agency.

16 (h) *A person who is a corrections officer, a parole officer or a*
17 *corrections officer employed by the federal bureau of prisons as defined*
18 *by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay*
19 *an original license fee as provided by subsection (b)(2); (2) exempt from*
20 *the required completion of a handgun safety and training course if such*
21 *person was issued a certificate of firearms training by the department of*
22 *corrections or the federal bureau of prisons or similar body not more than*
23 *one year prior to submission of the application; (3) required to pay the*
24 *license renewal fee; (4) required to pay to the department of revenue the*
25 *fees required by subsection (f); and (5) required to comply with the*
26 *criminal history records check requirements of this section. }*

27 {New Sec. 5. (a) The carrying of a concealed handgun as
28 authorized by the personal and family protection act shall not be
29 prohibited in state or municipal buildings unless such building has
30 adequate security measures to ensure that no weapons are permitted
31 to be carried into such building.

32 (b) No state agency or municipality shall prohibit an employee
33 who is licensed to carry a concealed handgun under the provisions of
34 the personal and family protection act from carrying such concealed
35 handgun at the employee's work place unless the building has
36 adequate security measures and is properly posted prohibiting
37 concealed carry.

38 (c) It shall not be a crime for a person to carry a concealed
39 handgun into such building so long as that person is licensed to carry
40 a concealed handgun under the provisions of the personal and family
41 protection act and has authority to enter through a restricted access
42 entrance into such building which provides adequate security
43 measures and is properly posted prohibiting concealed carry.

1 **(d) Nothing in this act shall prohibit a state agency or**
2 **municipality from instituting employee policies restricting concealed**
3 **carry of a handgun by a person who is licensed to carry a concealed**
4 **handgun under the provisions of the personal and family protection**
5 **act in a state or municipal building which provides adequate security**
6 **measures and is properly posted prohibiting concealed carry.**

7 **(e) Subject to provisions of subsection (f), nothing in this act shall**
8 **limit the ability of a corrections facility, a jail facility or a law**
9 **enforcement agency to prohibit the carrying of a concealed handgun**
10 **by any person on such premises.**

11 **(f) Any state or municipal building which contains both public**
12 **access entrances and restricted access entrances shall provide**
13 **adequate security at the public access entrances in order to prohibit**
14 **the carrying of a concealed handgun in such public areas.**

15 **(g) The governing body or the chief administrative officer, if no**
16 **governing body exists, of a state or municipal-owned medical care**
17 **facility as defined in K.S.A. 65-425, and amendments thereto, may**
18 **exempt itself from this section for a period of four years by stating the**
19 **reasons for such exemption. Notice of this exemption shall be sent to**
20 **the Kansas attorney general.**

21 **(h) The governing body or the chief administrative officer, if no**
22 **governing body exists, of a state or municipal-owned adult care home**
23 **as defined in K.S.A. 39-923, and amendments thereto, may exempt**
24 **itself from this section for a period of four years by stating the reasons**
25 **for such exemption. Notice of this exemption shall be sent to the**
26 **Kansas attorney general.**

27 **(i) A state agency or municipality which provides adequate**
28 **security in a public building and which properly posts a sign**
29 **prohibiting the carrying of a concealed handgun on the premises of**
30 **such building as authorized by the personal and family protection act,**
31 **such state agency or municipality shall not be liable for any wrongful**
32 **act or omission relating to actions of persons licensed to carry a**
33 **concealed handgun concerning acts or omissions regarding such**
34 **handguns.**

35 **(j) A state agency or municipality which does not provide**
36 **adequate security in a public building and which allows the carrying**
37 **of a concealed handgun as authorized by the personal and family**
38 **protection act shall not be liable for any wrongful act or omission**
39 **relating to actions of persons licensed to carry a concealed handgun**
40 **concerning acts or omissions regarding such handguns.**

41 **(k) The governing body or the chief administrative officer, if no**
42 **governing body exists, of a post secondary educational institution, as**
43 **defined in K.S.A. 74-3201b, and amendments thereto, may exempt the**

1 institution from this section for a period of four years by stating the
2 reasons for such exemption. Notice of this exemption shall be sent to
3 the Kansas attorney general.

4 (l) For purposes of this section:

5 (1) "Adequate security measures" means the use of electronic
6 equipment and personnel at public entrances to detect and restrict the
7 carrying of any weapons into the state or municipal building,
8 including, but not limited to, metal detectors, metal detector wands or
9 any other equipment used for similar purposes to ensure that weapons
10 are not permitted to be carried into such building by members of the
11 public.

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

16 (3) "Restricted access entrance" means an entrance that is
17 restricted to the public and requires a key, keycard, code, or similar
18 device to allow entry to authorized personnel.

19 (4) "State" means as the term is defined in K.S.A. 75-6102, and
20 amendments thereto.

21 (5) "State or municipal building" means a building owned or
22 leased by such public entity. It does not include a building owned by
23 the state or a municipality which is leased by a private entity whether
24 for profit or not-for-profit or a building held in title by the state or a
25 municipality solely for reasons of revenue bond financing.

26 (6) "Weapon" means weapons described in K.S.A. 2011 Supp. 21-
27 6301, and amendments thereto.

28 (m) This section shall be a part of and supplemental to the
29 personal and family protection act.}

30 {Sec. 46. K.S.A. 2011 Supp. 75-7c10 is hereby amended to read as
31 follows: 75-7c10. (a) Provided that the premises are conspicuously
32 posted in accordance with rules and regulations adopted by the
33 attorney general as premises where carrying a concealed handgun is
34 prohibited, and subject to provisions of section 3, and amendments
35 thereto, dealing with state agencies and municipalities, no license issued
36 pursuant to or recognized by this act shall authorize the licensee to
37 carry a concealed handgun into the building of:

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

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

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

42 (4) any courthouse, except that nothing in this section would
43 preclude a judge from carrying a concealed handgun or determining

1 who may carry a concealed handgun in the judge's courtroom;

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

3 (6) any state office;

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

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

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

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

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

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

17 (13) any community mental health center organized pursuant to
18 K.S.A. 19-4001 et seq., and amendments thereto; any mental health
19 clinic organized pursuant to K.S.A. 65-211 et seq., and amendments
20 thereto; any psychiatric hospital licensed under K.S.A. 75-3307b, and
21 amendments thereto; or a state psychiatric hospital, as follows:
22 Larned state hospital, Osawatomie state hospital or Rainbow mental
23 health facility;

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

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

29 (16) any place of worship.

30 (b) (1) *Any private entity which provides adequate security in a*
31 *private building or facility and which properly posts a sign prohibiting the*
32 *carrying of a concealed handgun on the premises of such building or*
33 *facility as authorized by the personal and family protection act, such*
34 *private entity shall not be liable for any wrongful act or omission relating*
35 *to actions of persons licensed to carry a concealed handgun concerning*
36 *acts or omissions regarding such handguns.*

37 (2) *Any private entity which does not provide adequate security in a*
38 *private building or facility and which allows the carrying of a concealed*
39 *handgun as authorized by the personal and family protection act shall not*
40 *be liable for any wrongful act or omission relating to actions of persons*
41 *licensed to carry a concealed handgun concerning acts or omissions*
42 *regarding such handguns.*

43 ~~(b)~~(c) *Subject to provisions of section 3, and amendments thereto,*

1 nothing in this act shall be construed to prevent:

2 (1) Any public or private employer from restricting or
3 prohibiting by personnel policies persons licensed under this act from
4 carrying a concealed handgun while on the premises of the employer's
5 business or while engaged in the duties of the person's employment by
6 the employer, except that no employer may prohibit possession of a
7 handgun in a private means of conveyance, even if parked on the
8 employer's premises; or

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

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

24 (2) Notwithstanding the provisions of subsection (a) or (b), it is
25 not a violation of this section for the United States attorney for the
26 district of Kansas, the attorney general, any district attorney or
27 county attorney, any assistant United States attorney if authorized by
28 the United States attorney for the district of Kansas, any assistant
29 attorney general if authorized by the attorney general, or any assistant
30 district attorney or assistant county attorney if authorized by the
31 district attorney or county attorney by whom such assistant is
32 employed, to possess a handgun within any of the buildings described
33 in subsection (a) or (b), subject to any restrictions or prohibitions
34 imposed in any courtroom by the chief judge of the judicial district.
35 The provisions of this paragraph shall not apply to any person who is
36 not in compliance with K.S.A. 2011 Supp. 75-7c19, and amendments
37 thereto.

38 ~~(d)~~(e) For the purposes of this section, "building" shall not
39 include any structure, or any area of any structure, designated for the
40 parking of motor vehicles.

41 ~~(d)~~(f) Nothing in this act shall be construed to authorize the
42 carrying or possession of a handgun where prohibited by federal law.

43 ~~(d)~~(g) The attorney general shall adopt rules and regulations

1 prescribing the location, content, size and other characteristics of
2 signs to be posted on premises where carrying a concealed handgun is
3 prohibited pursuant to subsections (a) and (b). Such regulations shall
4 prescribe, at a minimum, that:

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

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

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

10 (4) signs which become illegible for any reason be immediately
11 replaced.}

12 {Sec. 57. K.S.A. 2011 Supp. 21-6309 is hereby amended to read as
13 follows: 21-6309. (a) It shall be unlawful to possess, with no
14 requirement of a culpable mental state, a firearm on the grounds in
15 any of the following places:

16 (1) Within any building located within the capitol complex;

17 (2) within the governor's residence;

18 (3) on the grounds of or in any building on the grounds of the
19 governor's residence;

20 (4) within any other state-owned or leased building if the
21 secretary of administration has so designated by rules and regulations
22 and conspicuously placed signs clearly stating that firearms are
23 prohibited within such building; or

24 (5) within any county courthouse, unless, by county resolution,
25 the board of county commissioners authorize the possession of a
26 firearm within such courthouse.

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

28 (c) This section shall not apply to:

29 (1) A commissioned law enforcement officer;

30 (2) a full-time salaried law enforcement officer of another state or
31 the federal government who is carrying out official duties while in this
32 state;

33 (3) any person summoned by any such officer to assist in making
34 arrests or preserving the peace while actually engaged in assisting
35 such officer;

36 (4) a member of the military of this state or the United States
37 engaged in the performance of duties; or

38 (5) a person with a license issued pursuant to or recognized under
39 K.S.A. 2011 Supp. 75-7c01 et seq., and amendments thereto, except in
40 buildings posted in accordance with K.S.A. 2011 Supp. 75-7c10, and
41 amendments thereto, and in the areas specified in subsections (a)(2)
42 and (a)(3).

43 (d) It is not a violation of this section for the:

1 **(1) Governor, the governor's immediate family, or specifically**
2 **authorized guest of the governor to possess a firearm within the**
3 **governor's residence or on the grounds of or in any building on the**
4 **grounds of the governor's residence; or**

5 **(2) United States attorney for the district of Kansas, the attorney**
6 **general, any district attorney or county attorney, any assistant United**
7 **States attorney if authorized by the United States attorney for the**
8 **district of Kansas, any assistant attorney general if authorized by the**
9 **attorney general, or any assistant district attorney or assistant county**
10 **attorney if authorized by the district attorney or county attorney by**
11 **whom such assistant is employed, to possess a firearm within any**
12 **county courthouse and court-related facility, subject to any**
13 **restrictions or prohibitions imposed in any courtroom by the chief**
14 **judge of the judicial district. The provisions of this paragraph shall**
15 **not apply to any person not in compliance with K.S.A. 2011 Supp. 75-**
16 **7c19, and amendments thereto.**

17 **(e) *It is not a violation of this section for a person to possess a***
18 ***firearm as authorized under the personal and family protection act.***

19 **(f) Notwithstanding the provisions of this section, any county may**
20 **elect by passage of a resolution that the provisions of subsection (d)(2)**
21 **shall not apply to such county's courthouse or court-related facilities if**
22 **such:**

23 **(1) Facilities have adequate security measures to ensure that no**
24 **weapons are permitted to be carried into such facilities;**

25 **(2) 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) county also has a policy or regulation requiring all law**
29 **enforcement officers to secure and store such officer's firearm upon**
30 **entering the courthouse or court-related facility. Such policy or**
31 **regulation may provide that it does not apply to court security or**
32 **sheriff's office personnel for such county; and**

33 **(4) facilities have a sign conspicuously posted at each entryway**
34 **into such facility stating that the provisions of subsection (d)(2) do not**
35 **apply to such facility.**

36 ~~(f)~~**(g) As used in this section:**

37 **(1) "Adequate security measures" means the use of electronic**
38 **equipment and personnel at public entrances to detect and restrict the**
39 **carrying of any weapons into the facility, including, but not limited to,**
40 **metal detectors, metal detector wands or any other equipment used**
41 **for similar purposes;**

42 **(2) "possession" means having joint or exclusive control over a**
43 **firearm or having a firearm in a place where the person has some**

1 **measure of access and right of control; and**

2 **(3) "capitol complex" means the same as in K.S.A. 75-4514, and**
3 **amendments thereto.**

4 ~~(g)~~**(h) For the purposes of subsection (a)(1), (a)(4) and (a)(5),**
5 **"building" and "courthouse" shall not include any structure, or any**
6 **area of any structure, designated for the parking of motor vehicles.}**

7 ~~Sec. 2-3 {8.}~~ K.S.A. 2011 Supp. {75-7c05 and 21-6309, 75-7c10
8 **and} 75-5220 ~~is~~ {are} hereby repealed.**

9 ~~Sec. 2-4 {9.}~~ This act shall take effect and be in force from and after
10 its publication in the statute book.