

## Substitute for SENATE BILL No. 53

By Committee on Federal and State Affairs

3-28

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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.

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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.