

## HOUSE BILL No. 2473

By Committee on Federal and State Affairs

1-22

1 AN ACT concerning weapons; relating to the regulation and possession of  
2 firearms and knives; amending K.S.A. 2013 Supp. 12-16,124, 12-  
3 16,134, 12-4516, 12-4516a, 21-6301, 21-6304, 21-6307, 21-6309 and  
4 75-7c20 and repealing the existing sections.  
5

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

7 New Section 1. (a) No city or county shall expend any funds derived  
8 from the proceeds of any tax levied by such city or county or any political  
9 subdivision thereof, for the purpose of implementing, administering or  
10 otherwise operating a firearms buyback program.

11 (b) For purposes of this section:

12 (1) "Firearm" shall have the same meaning as that term is defined in  
13 K.S.A. 2013 Supp. 21-5111, and amendments thereto.

14 (2) "Firearms buyback program" means any program wherein  
15 individuals are offered the opportunity to gift, sell or otherwise transfer  
16 ownership of such individual's firearm to a city or county.

17 New Sec. 2. (a) No employee of a municipality shall be required to  
18 disclose to such person's employer the fact that such employee possesses a  
19 valid license to carry a concealed handgun. No municipality shall create  
20 or maintain any record of any employee that has disclosed the fact that  
21 such employee possesses a valid license to carry a concealed handgun.  
22 Any such record created and maintained by a municipality on or before  
23 June 30, 2014, shall be destroyed by such municipality on or before July  
24 31, 2014.

25 (b) For purposes of this section, the term "municipality" has the same  
26 meaning as that term is defined in K.S.A. 75-6102, and amendments  
27 thereto.

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

30 Sec. 3. K.S.A. 2013 Supp. 12-16,124 is hereby amended to read as  
31 follows: 12-16,124.(a) No city or county shall adopt *or enforce* any  
32 ordinance, resolution or regulation, and no agent of any city or county  
33 shall take any administrative action, governing the purchase, transfer,  
34 ownership, storage, *carrying* or transporting of firearms or ammunition, or  
35 any component or combination thereof. ~~Except as provided in subsection~~  
36 ~~(b) of this section and subsection (b) of K.S.A. 2013 Supp. 75-7c10, and~~

1 ~~amendments thereto, any such ordinance, resolution or regulation adopted~~  
2 ~~prior to the effective date of this 2007 act shall be null and void.~~

3 (b) *No city or county shall adopt or enforce any ordinance, resolution*  
4 *or regulation relating to the sale of a firearm by an individual, who holds*  
5 *a federal firearms license, that is more restrictive than any ordinance,*  
6 *resolution or regulation relating to the sale of any other commercial good.*

7 (c) *Any ordinance, resolution or regulation prohibited by either*  
8 *subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null*  
9 *and void.*

10 (d) Nothing in this section shall:

11 (1) prohibit a law enforcement officer, as defined in K.S.A. 22-2202,  
12 and amendments thereto, from acting within the scope of such officer's  
13 duties;

14 (2) ~~prohibit a city or county from regulating the manner of openly~~  
15 ~~carrying a loaded firearm on one's person; or in the immediate control of a~~  
16 ~~person, not licensed or recognized under the personal and family~~  
17 ~~protection act while on property open to the public;~~

18 (3) ~~prohibit a city or county from regulating in any manner the~~  
19 ~~carrying of any firearm in any jail, juvenile detention facility, prison,~~  
20 ~~courthouse, courtroom or city hall; or~~

21 (4) ~~prohibit a city or county from adopting an ordinance, resolution or~~  
22 ~~regulation requiring a firearm transported in any air, land or water vehicle~~  
23 ~~to be unloaded and encased in a container which completely encloses the~~  
24 ~~firearm or any less restrictive provision governing the transporting of~~  
25 ~~firearms, provided such ordinance, resolution or regulation shall not apply~~  
26 ~~to persons licensed or recognized under the personal and family protection~~  
27 ~~act.~~

28 (e) ~~Except as provided in subsection (b) of this section and subsection~~  
29 ~~(b) of K.S.A. 2013 Supp. 75-7e10, and amendments thereto, no person~~  
30 ~~shall be prosecuted or convicted of a violation of any ordinance, resolution~~  
31 ~~or regulation of a city or county which regulates the storage or~~  
32 ~~transportation of a firearm if such person: (1) Is storing or transporting the~~  
33 ~~firearm without violating any provision of the Kansas criminal code; or (2)~~  
34 ~~is otherwise transporting the firearm in a lawful manner.~~

35 (d) ~~No person shall be prosecuted under any ordinance, resolution or~~  
36 ~~regulation for transporting a firearm in any air, land or water vehicle if the~~  
37 ~~firearm is unloaded and encased in a container which completely encloses~~  
38 ~~the firearm.~~

39 Sec. 4. K.S.A. 2013 Supp. 12-16,134 is hereby amended to read as  
40 follows: 12-16,134. (a) A municipality shall not enact *or enforce* any  
41 ordinance, resolution, ~~rule~~ *regulation* or tax relating to the transportation,  
42 possession, carrying, sale, transfer, purchase, gift, devise, licensing,  
43 registration or use of a knife or knife making components.

1 (b) A municipality shall not enact *or enforce* any ordinance,  
2 resolution or ~~rule~~ *regulation* relating to the manufacture of a knife that is  
3 more restrictive than any such ordinance, resolution or ~~rule~~ *regulation*  
4 relating to the manufacture of any other commercial goods.

5 (c) *Any ordinance, resolution or regulation prohibited by either*  
6 *subsection (a) or (b) that was adopted prior to July 1, 2014, shall be null*  
7 *and void.*

8 (d) *No action shall be commenced or prosecuted against any*  
9 *individual for a violation of any ordinance, resolution or regulation that is*  
10 *prohibited by either subsection (a) or (b) and which was adopted prior to*  
11 *July 1, 2014, if such violation occurred on or after July 1, 2013.*

12 ~~(e)~~ (e) As used in this section:

13 (1) "Knife" means a cutting instrument and includes a sharpened or  
14 pointed blade.

15 (2) "Municipality" has the same meaning as defined in K.S.A. 75-  
16 6102, and amendments thereto, but shall not include *unified* school  
17 districts, jails, as defined in K.S.A. 38-2302, and amendments thereto, ~~and~~  
18 *or* juvenile correctional facilities, as defined in K.S.A. 38-2302, and  
19 amendments thereto.

20 Sec. 5. K.S.A. 2013 Supp. 12-4516 is hereby amended to read as  
21 follows: 12-4516. (a) (1) Except as provided in subsections (b), (c), (d)  
22 ~~and~~, (e) *and* (f), any person who has been convicted of a violation of a city  
23 ordinance of this state may petition the convicting court for the  
24 expungement of such conviction and related arrest records if three or more  
25 years have elapsed since the person:

26 (A) Satisfied the sentence imposed; or

27 (B) was discharged from probation, parole or a suspended sentence.

28 (2) Except as provided in subsections (b), (c), (d) ~~and~~, (e) *and* (f), any  
29 person who has fulfilled the terms of a diversion agreement based on a  
30 violation of a city ordinance of this state may petition the court for the  
31 expungement of such diversion agreement and related arrest records if  
32 three or more years have elapsed since the terms of the diversion  
33 agreement were fulfilled.

34 (b) *Any person convicted of a violation of any ordinance that is*  
35 *prohibited by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134,*  
36 *and amendments thereto, and which was adopted prior to July 1, 2014, or*  
37 *who entered into a diversion agreement in lieu of further criminal*  
38 *proceedings for such violation, may petition the convicting court for the*  
39 *expungement of such conviction or diversion agreement and related arrest*  
40 *records.*

41 ~~(b)~~ (c) Any person convicted of the violation of a city ordinance  
42 which would also constitute a violation of K.S.A. 21-3512, prior to its  
43 repeal, or a violation of K.S.A. 2013 Supp. 21-6419, and amendments

1 thereto, or who entered into a diversion agreement in lieu of further  
2 criminal proceedings for such violation, may petition the convicting court  
3 for the expungement of such conviction or diversion agreement and related  
4 arrest records if:

5 (1) One or more years have elapsed since the person satisfied the  
6 sentence imposed or the terms of a diversion agreement or was discharged  
7 from probation, parole, conditional release or a suspended sentence; and

8 (2) such person can prove they were acting under coercion caused by  
9 the act of another. For purposes of this subsection, "coercion" means:  
10 Threats of harm or physical restraint against any person; a scheme, plan or  
11 pattern intended to cause a person to believe that failure to perform an act  
12 would result in bodily harm or physical restraint against any person; or the  
13 abuse or threatened abuse of the legal process.

14 ~~(e)~~ (d) No person may petition for expungement until five or more  
15 years have elapsed since the person satisfied the sentence imposed or the  
16 terms of a diversion agreement or was discharged from probation, parole,  
17 conditional release or a suspended sentence, if such person was convicted  
18 of the violation of a city ordinance which would also constitute:

19 (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its  
20 repeal, or K.S.A. 2013 Supp. 21-5406, and amendments thereto;

21 (2) driving while the privilege to operate a motor vehicle on the  
22 public highways of this state has been canceled, suspended or revoked, as  
23 prohibited by K.S.A. 8-262, and amendments thereto;

24 (3) perjury resulting from a violation of K.S.A. 8-261a, and  
25 amendments thereto;

26 (4) a violation of the provisions of the fifth clause of K.S.A. 8-142,  
27 and amendments thereto, relating to fraudulent applications;

28 (5) any crime punishable as a felony wherein a motor vehicle was  
29 used in the perpetration of such crime;

30 (6) failing to stop at the scene of an accident and perform the duties  
31 required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and  
32 amendments thereto;

33 (7) a violation of the provisions of K.S.A. 40-3104, and amendments  
34 thereto, relating to motor vehicle liability insurance coverage; or

35 (8) a violation of K.S.A. 21-3405b, prior to its repeal.

36 ~~(d)~~ (e) No person may petition for expungement until 10 or more  
37 years have elapsed since the person satisfied the sentence imposed or the  
38 terms of a diversion agreement or was discharged from probation, parole,  
39 conditional release or a suspended sentence, if such person was convicted  
40 of the violation of a city ordinance which would also constitute a violation  
41 of K.S.A. 8-1567, and amendments thereto.

42 ~~(e)~~ (f) There shall be no expungement of convictions or diversions for  
43 a violation of a city ordinance which would also constitute a violation of

1 K.S.A. 8-2,144, and amendments thereto.

2 ~~(f)~~ (g) (1) When a petition for expungement is filed, the court shall set  
3 a date for a hearing of such petition and shall cause notice of such hearing  
4 to be given to the prosecuting attorney and the arresting law enforcement  
5 agency. The petition shall state the:

6 (A) Defendant's full name;

7 (B) full name of the defendant at the time of arrest, conviction or  
8 diversion, if different than the defendant's current name;

9 (C) defendant's sex, race and date of birth;

10 (D) crime for which the defendant was arrested, convicted or  
11 diverted;

12 (E) date of the defendant's arrest, conviction or diversion; and

13 (F) identity of the convicting court, arresting law enforcement  
14 agency or diverting authority.

15 (2) A municipal court may prescribe a fee to be charged as costs for a  
16 person petitioning for an order of expungement pursuant to this section.

17 (3) Any person who may have relevant information about the  
18 petitioner may testify at the hearing. The court may inquire into the  
19 background of the petitioner and shall have access to any reports or  
20 records relating to the petitioner that are on file with the secretary of  
21 corrections or the prisoner review board.

22 ~~(g)~~ (h) At the hearing on the petition, the court shall order the  
23 petitioner's arrest record, conviction or diversion expunged if the court  
24 finds that:

25 (1) The petitioner has not been convicted of a felony in the past two  
26 years and no proceeding involving any such crime is presently pending or  
27 being instituted against the petitioner;

28 (2) the circumstances and behavior of the petitioner warrant the  
29 expungement; and

30 (3) the expungement is consistent with the public welfare.

31 ~~(h)~~ (i) When the court has ordered an arrest record, conviction or  
32 diversion expunged, the order of expungement shall state the information  
33 required to be contained in the petition. The clerk of the court shall send a  
34 certified copy of the order of expungement to the Kansas bureau of  
35 investigation which shall notify the federal bureau of investigation, the  
36 secretary of corrections and any other criminal justice agency which may  
37 have a record of the arrest, conviction or diversion. After the order of  
38 expungement is entered, the petitioner shall be treated as not having been  
39 arrested, convicted or diverted of the crime, except that:

40 (1) Upon conviction for any subsequent crime, the conviction that  
41 was expunged may be considered as a prior conviction in determining the  
42 sentence to be imposed;

43 (2) the petitioner shall disclose that the arrest, conviction or diversion

1 occurred if asked about previous arrests, convictions or diversions:

2 (A) In any application for employment as a detective with a private  
3 detective agency, as defined by K.S.A. 75-7b01, and amendments thereto;  
4 as security personnel with a private patrol operator, as defined by K.S.A.  
5 75-7b01, and amendments thereto; or with an institution, as defined in  
6 K.S.A. 76-12a01, and amendments thereto, of the department for children  
7 and families;

8 (B) in any application for admission, or for an order of reinstatement,  
9 to the practice of law in this state;

10 (C) to aid in determining the petitioner's qualifications for  
11 employment with the Kansas lottery or for work in sensitive areas within  
12 the Kansas lottery as deemed appropriate by the executive director of the  
13 Kansas lottery;

14 (D) to aid in determining the petitioner's qualifications for executive  
15 director of the Kansas racing and gaming commission, for employment  
16 with the commission or for work in sensitive areas in parimutuel racing as  
17 deemed appropriate by the executive director of the commission, or to aid  
18 in determining qualifications for licensure or renewal of licensure by the  
19 commission;

20 (E) to aid in determining the petitioner's qualifications for the  
21 following under the Kansas expanded lottery act: (i) Lottery gaming  
22 facility manager or prospective manager, racetrack gaming facility  
23 manager or prospective manager, licensee or certificate holder; or (ii) an  
24 officer, director, employee, owner, agent or contractor thereof;

25 (F) upon application for a commercial driver's license under K.S.A.  
26 8-2,125 through 8-2,142, and amendments thereto;

27 (G) to aid in determining the petitioner's qualifications to be an  
28 employee of the state gaming agency;

29 (H) to aid in determining the petitioner's qualifications to be an  
30 employee of a tribal gaming commission or to hold a license issued  
31 pursuant to a tribal-state gaming compact;

32 (I) in any application for registration as a broker-dealer, agent,  
33 investment adviser or investment adviser representative all as defined in  
34 K.S.A. 17-12a102, and amendments thereto;

35 (J) in any application for employment as a law enforcement officer, as  
36 defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

37 (K) for applications received on and after July 1, 2006, to aid in  
38 determining the petitioner's qualifications for a license to carry a concealed  
39 weapon pursuant to the personal and family protection act, K.S.A. 2013  
40 Supp. 75-7c01 et seq., and amendments thereto;

41 (3) the court, in the order of expungement, may specify other  
42 circumstances under which the arrest, conviction or diversion is to be  
43 disclosed; and

1 (4) the conviction may be disclosed in a subsequent prosecution for  
2 an offense which requires as an element of such offense a prior conviction  
3 of the type expunged.

4 ~~(j)~~ (j) Whenever a person is convicted of an ordinance violation,  
5 pleads guilty and pays a fine for such a violation, is placed on parole or  
6 probation or is granted a suspended sentence for such a violation, the  
7 person shall be informed of the ability to expunge the arrest records or  
8 conviction. Whenever a person enters into a diversion agreement, the  
9 person shall be informed of the ability to expunge the diversion.

10 ~~(k)~~ (k) Subject to the disclosures required pursuant to subsection ~~(g)~~  
11 (i), in any application for employment, license or other civil right or  
12 privilege, or any appearance as a witness, a person whose arrest records,  
13 conviction or diversion of an offense has been expunged under this statute  
14 may state that such person has never been arrested, convicted or diverted  
15 of such offense.

16 ~~(l)~~ (l) Whenever the record of any arrest, conviction or diversion has  
17 been expunged under the provisions of this section or under the provisions  
18 of any other existing or former statute, the custodian of the records of  
19 arrest, conviction, diversion and incarceration relating to that crime shall  
20 not disclose the existence of such records, except when requested by:

21 (1) The person whose record was expunged;

22 (2) a private detective agency or a private patrol operator, and the  
23 request is accompanied by a statement that the request is being made in  
24 conjunction with an application for employment with such agency or  
25 operator by the person whose record has been expunged;

26 (3) a court, upon a showing of a subsequent conviction of the person  
27 whose record has been expunged;

28 (4) the secretary of the department for children and families, or a  
29 designee of the secretary, for the purpose of obtaining information relating  
30 to employment in an institution, as defined in K.S.A. 76-12a01, and  
31 amendments thereto, of the department for children and families of any  
32 person whose record has been expunged;

33 (5) a person entitled to such information pursuant to the terms of the  
34 expungement order;

35 (6) a prosecuting attorney, and such request is accompanied by a  
36 statement that the request is being made in conjunction with a prosecution  
37 of an offense that requires a prior conviction as one of the elements of such  
38 offense;

39 (7) the supreme court, the clerk or disciplinary administrator thereof,  
40 the state board for admission of attorneys or the state board for discipline  
41 of attorneys, and the request is accompanied by a statement that the  
42 request is being made in conjunction with an application for admission, or  
43 for an order of reinstatement, to the practice of law in this state by the

1 person whose record has been expunged;

2 (8) the Kansas lottery, and the request is accompanied by a statement  
3 that the request is being made to aid in determining qualifications for  
4 employment with the Kansas lottery or for work in sensitive areas within  
5 the Kansas lottery as deemed appropriate by the executive director of the  
6 Kansas lottery;

7 (9) the governor or the Kansas racing and gaming commission, or a  
8 designee of the commission, and the request is accompanied by a  
9 statement that the request is being made to aid in determining  
10 qualifications for executive director of the commission, for employment  
11 with the commission, for work in sensitive areas in parimutuel racing as  
12 deemed appropriate by the executive director of the commission or for  
13 licensure, renewal of licensure or continued licensure by the commission;

14 (10) the Kansas racing and gaming commission, or a designee of the  
15 commission, and the request is accompanied by a statement that the  
16 request is being made to aid in determining qualifications of the following  
17 under the Kansas expanded lottery act: (A) Lottery gaming facility  
18 managers and prospective managers, racetrack gaming facility managers  
19 and prospective managers, licensees and certificate holders; and (B) their  
20 officers, directors, employees, owners, agents and contractors;

21 (11) the state gaming agency, and the request is accompanied by a  
22 statement that the request is being made to aid in determining  
23 qualifications: (A) To be an employee of the state gaming agency; or (B)  
24 to be an employee of a tribal gaming commission or to hold a license  
25 issued pursuant to a tribal-state gaming compact;

26 (12) the Kansas securities commissioner, or a designee of the  
27 commissioner, and the request is accompanied by a statement that the  
28 request is being made in conjunction with an application for registration as  
29 a broker-dealer, agent, investment adviser or investment adviser  
30 representative by such agency and the application was submitted by the  
31 person whose record has been expunged;

32 (13) the attorney general, and the request is accompanied by a  
33 statement that the request is being made to aid in determining  
34 qualifications for a license to carry a concealed weapon pursuant to the  
35 personal and family protection act;

36 (14) the Kansas sentencing commission;

37 (15) the Kansas commission on peace officers' standards and training  
38 and the request is accompanied by a statement that the request is being  
39 made to aid in determining certification eligibility as a law enforcement  
40 officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

41 (16) a law enforcement agency and the request is accompanied by a  
42 statement that the request is being made to aid in determining eligibility  
43 for employment as a law enforcement officer as defined by K.S.A. 22-

1 2202, and amendments thereto.

2 Sec. 6. K.S.A. 2013 Supp. 12-4516a is hereby amended to read as  
3 follows: 12-4516a.(a) Any person who has been arrested on a violation of  
4 a city ordinance of this state may petition the court for the expungement of  
5 such arrest record.

6 (b) When a petition for expungement is filed, the court shall set a date  
7 for hearing on such petition and shall cause notice of such hearing to be  
8 given to the prosecuting attorney and the arresting law enforcement  
9 agency. When a petition for expungement is filed, the official court file  
10 shall be separated from the other records of the court, and shall be  
11 disclosed only to a judge of the court and members of the staff of the court  
12 designated by a judge of the district court, the prosecuting attorney, the  
13 arresting law enforcement agency, or any other person when authorized by  
14 a court order, subject to any conditions imposed by the order. The petition  
15 shall state:

- 16 (1) The petitioner's full name;
- 17 (2) the full name of the petitioner at the time of arrest, if different  
18 than the petitioner's current name;
- 19 (3) the petitioner's sex, race and date of birth;
- 20 (4) the crime for which the petitioner was arrested;
- 21 (5) the date of the petitioner's arrest; and
- 22 (6) the identity of the arresting law enforcement agency.

23 A municipal court may prescribe a fee to be charged as costs for a  
24 person petitioning for an order of expungement pursuant to this section,  
25 except that no fee shall be charged to a person who was arrested as a result  
26 of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal,  
27 or K.S.A. 2013 Supp. 21-6107, and amendments thereto. Any person who  
28 may have relevant information about the petitioner may testify at the  
29 hearing. The court may inquire into the background of the petitioner.

30 (c) At the hearing on a petition for expungement, the court shall order  
31 the arrest record and subsequent court proceedings, if any, expunged upon  
32 finding:

- 33 (1) The arrest occurred because of mistaken identity;
- 34 (2) a court has found that there was no probable cause for the arrest;
- 35 (3) the petitioner was found not guilty in court proceedings;
- 36 (4) *the arrest was for a violation of any ordinance that is prohibited*  
37 *by either subsection (a) or (b) of K.S.A. 2013 Supp. 12-16,134, and*  
38 *amendments thereto, and which was adopted prior to July 1, 2014; or*

39 ~~(4)~~ (5) the expungement would be in the best interests of justice and:  
40 (A) Charges have been dismissed; or (B) no charges have been or are  
41 likely to be filed.

42 (d) When the court has ordered expungement of an arrest record and  
43 subsequent court proceedings, if any, the order shall state the information

1 required to be stated in the petition and shall state the grounds for  
2 expungement under subsection (c). The clerk of the court shall send a  
3 certified copy of the order to the Kansas bureau of investigation which  
4 shall notify the federal bureau of investigation, the secretary of corrections  
5 and any other criminal justice agency which may have a record of the  
6 arrest. If an order of expungement is entered, the petitioner shall be treated  
7 as not having been arrested.

8 (e) If the ground for expungement is as provided in subsection ~~(e)(4)~~  
9 ~~(c)(5)~~, the court shall determine whether, in the interest of public welfare,  
10 the records should be available for any of the following purposes:

11 (1) In any application for employment as a detective with a private  
12 detective agency, as defined by K.S.A. 75-7b01, and amendments thereto;  
13 as security personnel with a private patrol operator, as defined by K.S.A.  
14 75-7b01, and amendments thereto; or with an institution, as defined in  
15 K.S.A. 76-12a01, and amendments thereto, of the department of social and  
16 rehabilitation services;

17 (2) in any application for admission, or for an order of reinstatement,  
18 to the practice of law in this state;

19 (3) to aid in determining the petitioner's qualifications for  
20 employment with the Kansas lottery or for work in sensitive areas within  
21 the Kansas lottery as deemed appropriate by the executive director of the  
22 Kansas lottery;

23 (4) to aid in determining the petitioner's qualifications for executive  
24 director of the Kansas racing commission, for employment with the  
25 commission or for work in sensitive areas in parimutuel racing as deemed  
26 appropriate by the executive director of the commission, or to aid in  
27 determining qualifications for licensure or renewal of licensure by the  
28 commission;

29 (5) in any application for a commercial driver's license under K.S.A.  
30 8-2,125 through 8-2,142, and amendments thereto;

31 (6) to aid in determining the petitioner's qualifications to be an  
32 employee of the state gaming agency;

33 (7) to aid in determining the petitioner's qualifications to be an  
34 employee of a tribal gaming commission or to hold a license issued  
35 pursuant to a tribal-state gaming compact; or

36 (8) in any other circumstances which the court deems appropriate.

37 (f) The court shall make all expunged records and related information  
38 in such court's possession, created prior to, on and after July 1, 2011,  
39 available to the Kansas bureau of investigation for the purposes of:

40 (1) Completing a person's criminal history record information within  
41 the central repository in accordance with K.S.A. 22-4701 et seq., and  
42 amendments thereto; or

43 (2) providing information or documentation to the federal bureau of

1 investigation, in connection with the national instant criminal background  
2 check system, to determine a person's qualification to possess a firearm.

3 (g) Subject to any disclosures required under subsection (e), in any  
4 application for employment, license or other civil right or privilege, or any  
5 appearance as a witness, a person whose arrest records have been  
6 expunged as provided in this section may state that such person has never  
7 been arrested.

8 (h) Whenever a petitioner's arrest records have been expunged as  
9 provided in this section, the custodian of the records of arrest,  
10 incarceration due to arrest or court proceedings related to the arrest, shall  
11 not disclose the arrest or any information related to the arrest, except as  
12 directed by the order of expungement or when requested by the person  
13 whose arrest record was expunged.

14 Sec. 7. K.S.A. 2013 Supp. 21-6301 is hereby amended to read as  
15 follows: 21-6301. (a) Criminal use of weapons is knowingly:

16 (1) Selling, manufacturing, purchasing or possessing any bludgeon,  
17 sand club, metal knuckles or throwing star;

18 (2) possessing with intent to use the same unlawfully against another,  
19 *a dagger, dirk, a billy, blackjack, slungshot, dangerous knife, straight-*  
20 *edged razor, stiletto* or any other dangerous or deadly weapon or  
21 instrument of like character;

22 (3) setting a spring gun;

23 (4) possessing any device or attachment of any kind designed, used or  
24 intended for use in suppressing the report of any firearm;

25 (5) selling, manufacturing, purchasing or possessing a shotgun with a  
26 barrel less than 18 inches in length, or any firearm designed to discharge or  
27 capable of discharging automatically more than once by a single function  
28 of the trigger, whether the person knows or has reason to know the length  
29 of the barrel or that the firearm is designed or capable of discharging  
30 automatically;

31 (6) possessing, manufacturing, causing to be manufactured, selling,  
32 offering for sale, lending, purchasing or giving away any cartridge which  
33 can be fired by a handgun and which has a plastic-coated bullet that has a  
34 core of less than 60% lead by weight, whether the person knows or has  
35 reason to know that the plastic-coated bullet has a core of less than 60%  
36 lead by weight;

37 (7) selling, giving or otherwise transferring any firearm with a barrel  
38 less than 12 inches long to any person under 18 years of age whether the  
39 person knows or has reason to know the length of the barrel;

40 (8) selling, giving or otherwise transferring any firearms to any  
41 person who is both addicted to and an unlawful user of a controlled  
42 substance;

43 (9) selling, giving or otherwise transferring any firearm to any person

1 who is or has been a mentally ill person subject to involuntary  
2 commitment for care and treatment, as defined in K.S.A. 59-2946, and  
3 amendments thereto, or a person with an alcohol or substance abuse  
4 problem subject to involuntary commitment for care and treatment as  
5 defined in K.S.A. 59-29b46, and amendments thereto;

6 (10) ~~possession of~~ *possessing* any firearm by a person who is both  
7 addicted to and an unlawful user of a controlled substance;

8 (11) ~~possession of~~ *possessing* any firearm by any person, other than a  
9 law enforcement officer, in or on any school property or grounds upon  
10 which is located a building or structure used by a unified school district or  
11 an accredited nonpublic school for student instruction or attendance or  
12 extracurricular activities of pupils enrolled in kindergarten or any of the  
13 grades 1 through 12 or at any regularly scheduled school sponsored  
14 activity or event whether the person knows or has reason to know that such  
15 person was in or on any such property or grounds;

16 (12) ~~refusal~~ *refusing* to surrender or immediately remove from school  
17 property or grounds or at any regularly scheduled school sponsored  
18 activity or event any firearm in the possession of any person, other than a  
19 law enforcement officer, when so requested or directed by any duly  
20 authorized school employee or any law enforcement officer;

21 (13) ~~possession of~~ *possessing* any firearm by a person who is or has  
22 been a mentally ill person subject to involuntary commitment for care and  
23 treatment, as defined in K.S.A. 59-2946, and amendments thereto, or  
24 persons with an alcohol or substance abuse problem subject to involuntary  
25 commitment for care and treatment as defined in K.S.A. 59-29b46, and  
26 amendments thereto; or

27 (14) possessing a firearm with a barrel less than 12 inches long by  
28 any person less than 18 years of age ~~whether the person knows or has~~  
29 ~~reason to know the length of the barrel.~~

30 (b) Criminal use of weapons as defined in:

31 (1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a  
32 class A nonperson misdemeanor;

33 (2) subsection (a)(4), (a)(5) or (a)(6) is a severity level 9, nonperson  
34 felony;

35 (3) subsection (a)(10) or (a)(11) is a class B nonperson select  
36 misdemeanor;

37 (4) subsection (a)(13) is a severity level 8, nonperson felony; and

38 (5) subsection (a)(14) is a:

39 (A) Class A nonperson misdemeanor except as provided in subsection  
40 (b)(5)(B);

41 (B) severity level 8, nonperson felony upon a second or subsequent  
42 conviction.

43 (c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:

1 (1) Law enforcement officers, or any person summoned by any such  
2 officers to assist in making arrests or preserving the peace while actually  
3 engaged in assisting such officer;

4 (2) wardens, superintendents, directors, security personnel and  
5 keepers of prisons, penitentiaries, jails and other institutions for the  
6 detention of persons accused or convicted of crime, while acting within the  
7 scope of their authority;

8 (3) members of the armed services or reserve forces of the United  
9 States or the Kansas national guard while in the performance of their  
10 official duty; or

11 (4) the manufacture of, transportation to, or sale of weapons to a  
12 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess  
13 such weapons.

14 (d) Subsections (a)(4) and (a)(5) shall not apply to any person who  
15 sells, purchases, possesses or carries a firearm, device or attachment which  
16 has been rendered unserviceable by steel weld in the chamber and  
17 marriage weld of the barrel to the receiver and which has been registered  
18 in the national firearms registration and transfer record in compliance with  
19 26 U.S.C. § 5841 et seq. in the name of such person and, if such person  
20 transfers such firearm, device or attachment to another person, has been so  
21 registered in the transferee's name by the transferor.

22 (e) Subsection (a)(6) shall not apply to a governmental laboratory or  
23 solid plastic bullets.

24 (f) Subsection (a)(4) shall not apply to a law enforcement officer who  
25 is:

26 (1) Assigned by the head of such officer's law enforcement agency to  
27 a tactical unit which receives specialized, regular training;

28 (2) designated by the head of such officer's law enforcement agency  
29 to possess devices described in subsection (a)(4); and

30 (3) in possession of commercially manufactured devices which are:

31 (A) Owned by the law enforcement agency;

32 (B) in such officer's possession only during specific operations; and

33 (C) approved by the bureau of alcohol, tobacco, firearms and  
34 explosives of the United States department of justice.

35 (g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person  
36 employed by a laboratory which is certified by the United States  
37 department of justice, national institute of justice, while actually engaged  
38 in the duties of their employment and on the premises of such certified  
39 laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the  
40 manufacture of, transportation to or sale of weapons to such certified  
41 laboratory.

42 (h) Subsections (a)(4) and (a)(5) shall not apply to or affect any  
43 person or entity in compliance with the national firearms act, 26 U.S.C. §

1 5801 et seq.

2 (i) Subsection (a)(11) shall not apply to:

3 (1) Possession of any firearm in connection with a firearms safety  
4 course of instruction or firearms education course approved and authorized  
5 by the school;

6 (2) ~~any~~ possession of any firearm specifically authorized in writing  
7 by the superintendent of any unified school district or the chief  
8 administrator of any accredited nonpublic school;

9 (3) possession of a firearm secured in a motor vehicle by a parent,  
10 guardian, custodian or someone authorized to act in such person's behalf  
11 who is delivering or collecting a student;

12 (4) possession of a firearm secured in a motor vehicle by a registered  
13 voter who is on the school grounds, which contain a polling place for the  
14 purpose of voting during polling hours on an election day; or

15 (5) possession of a handgun by an individual who is licensed by the  
16 attorney general to carry a concealed handgun under K.S.A. 2013 Supp.  
17 75-7c01 et seq., and amendments thereto.

18 (j) Subsections (a)(9) and (a)(13) shall not apply to a person who has  
19 received a certificate of restoration pursuant to K.S.A. 2013 Supp. 75-  
20 7c26, and amendments thereto.

21 (k) Subsection (a)(14) shall not apply if such person, less than 18  
22 years of age, was:

23 (1) In attendance at a hunter's safety course or a firearms safety  
24 course;

25 (2) engaging in practice in the use of such firearm or target shooting  
26 at an established range authorized by the governing body of the  
27 jurisdiction in which such range is located, *or at another private range*  
28 *with permission of such person's parent or legal guardian;*

29 (3) engaging in an organized competition involving the use of such  
30 firearm, or participating in or practicing for a performance by an  
31 organization exempt from federal income tax pursuant to section 501(c)(3)  
32 of the internal revenue code of 1986 which uses firearms as a part of such  
33 performance;

34 (4) hunting or trapping pursuant to a valid license issued to such  
35 person pursuant to article 9 of chapter 32 of the Kansas Statutes  
36 Annotated, and amendments thereto;

37 (5) traveling with any such firearm in such person's possession being  
38 unloaded to or from any activity described in subsections (k)(1) through  
39 (k)(4), only if such firearm is secured, unloaded and outside the immediate  
40 access of such person;

41 (6) on real property under the control of such person's parent, legal  
42 guardian or grandparent and who has the permission of such parent, legal  
43 guardian or grandparent to possess such firearm; or

1 (7) at such person's residence and who, with the permission of such  
2 person's parent or legal guardian, possesses such firearm for the purpose of  
3 exercising the rights contained in K.S.A. 2013 Supp. 21-5222, 21-5223 or  
4 21-5225, and amendments thereto; *or*

5 (8) *in possession of such firearm with the permission of such person's*  
6 *parent or legal guardian.*

7 (1) As used in this section, "throwing star" means any instrument,  
8 without handles, consisting of a metal plate having three or more radiating  
9 points with one or more sharp edges and designed in the shape of a  
10 polygon, trefoil, cross, star, diamond or other geometric shape,  
11 manufactured for use as a weapon for throwing.

12 Sec. 8. K.S.A. 2013 Supp. 21-6304 is hereby amended to read as  
13 follows: 21-6304. (a) Criminal possession of a ~~firearm~~ *weapon* by a  
14 convicted felon is possession of any ~~firearm~~ *weapon* by a person who:

15 (1) Has been convicted of a person felony or a violation of article 57  
16 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,  
17 or any violation of any provision of the uniform controlled substances act  
18 prior to July 1, 2009, or a crime under a law of another jurisdiction which  
19 is substantially the same as such felony or violation, or was adjudicated a  
20 juvenile offender because of the commission of an act which if done by an  
21 adult would constitute the commission of a person felony or a violation of  
22 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments  
23 thereto, or any violation of any provision of the uniform controlled  
24 substances act prior to July 1, 2009, and was found to have been in  
25 possession of a firearm at the time of the commission of the crime;

26 (2) within the preceding five years has been convicted of a felony,  
27 other than those specified in subsection (a)(3)(A), under the laws of  
28 Kansas or a crime under a law of another jurisdiction which is  
29 substantially the same as such felony, has been released from  
30 imprisonment for a felony or was adjudicated as a juvenile offender  
31 because of the commission of an act which if done by an adult would  
32 constitute the commission of a felony, and was not found to have been in  
33 possession of a firearm at the time of the commission of the crime; or

34 (3) within the preceding 10 years, has been convicted of a:

35 (A) Felony under K.S.A. 2013 Supp. 21-5402, 21-5403, 21-5404, 21-  
36 5405, 21-5408, subsection (b) or (d) of 21-5412, subsection (b) or (d) of  
37 21-5413, subsection (a) of 21-5415, subsection (b) of 21-5420, 21-5503,  
38 subsection (b) of 21-5504, subsection (b) of 21-5505, and subsection (b) of  
39 21-5807, and amendments thereto; article 57 of chapter 21 of the Kansas  
40 Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402,  
41 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-  
42 3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716,  
43 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their

1 repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A.  
2 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2013 Supp.  
3 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such  
4 felony; or a crime under a law of another jurisdiction which is  
5 substantially the same as such felony, has been released from  
6 imprisonment for such felony, or was adjudicated as a juvenile offender  
7 because of the commission of an act which if done by an adult would  
8 constitute the commission of such felony, was not found to have been in  
9 possession of a firearm at the time of the commission of the crime, and has  
10 not had the conviction of such crime expunged or been pardoned for such  
11 crime. The provisions of subsection (j)(2) of K.S.A. 2013 Supp. 21-6614,  
12 and amendments thereto, shall not apply to an individual who has had a  
13 conviction under this paragraph expunged; or

14 (B) nonperson felony under the laws of Kansas or a crime under the  
15 laws of another jurisdiction which is substantially the same as such  
16 nonperson felony, has been released from imprisonment for such  
17 nonperson felony or was adjudicated as a juvenile offender because of the  
18 commission of an act which if done by an adult would constitute the  
19 commission of a nonperson felony, and was found to have been in  
20 possession of a firearm at the time of the commission of the crime.

21 (b) Criminal possession of a ~~firearm~~ *weapon* by a convicted felon is a  
22 severity level 8, nonperson felony.

23 (c) *As used in this section:*

24 (1) *"Knife" means a dagger, dirk, switchblade, stiletto, straight-edged*  
25 *razor or any other dangerous or deadly cutting instrument of like*  
26 *character; and*

27 (2) *"weapon" means a firearm or a knife.*

28 Sec. 9. K.S.A. 2013 Supp. 21-6307 is hereby amended to read as  
29 follows: 21-6307. (a) Upon conviction of a violation or upon adjudication  
30 as a juvenile offender for a violation of subsections (a)(1) through (a)(6) or  
31 (a)(10) through (a)(14) of K.S.A. 2013 Supp. 21-6301, 21-6302, 21-6304,  
32 21-6305 or subsection (a)(1) or (a)(2) of 21-6308, and amendments  
33 thereto, any weapon seized in connection therewith shall remain in the  
34 custody of the trial court.

35 (b) Any stolen weapon so seized and detained, when no longer  
36 needed for evidentiary purposes, shall be returned to the person entitled to  
37 possession, if known. All other confiscated weapons when no longer  
38 needed for evidentiary purposes, shall in the discretion of the trial court,  
39 be:

40 (1) ~~Destroyed;~~

41 (2) Forfeited to the law enforcement agency seizing the weapon for  
42 use within such agency, for sale to a properly licensed federal firearms  
43 dealer, for trading to a properly licensed federal firearms dealer for other

1 new or used firearms or accessories for use within such agency or for  
2 trading to another law enforcement agency for that agency's use; ~~or~~

3 ~~(3)~~ (2) forfeited to the Kansas bureau of investigation for law  
4 enforcement, testing; *or* comparison ~~or destruction~~ by the Kansas bureau  
5 of investigation forensic laboratory;

6 (3) *forfeited to the Kansas department of wildlife, parks and tourism*  
7 *for use in hunter education programs; or*

8 (4) *if the weapon cannot be forfeited pursuant to paragraphs (1), (2)*  
9 *or (3) due to the condition of the weapon, or if the weapon was used in the*  
10 *commission of a felony as described in K.S.A. 2013 Supp. 21-5401, 21-*  
11 *5402, 21-5403, 21-5404 or 21-5405, and amendments thereto, then the*  
12 *weapon may be destroyed.*

13 (c) If weapons are sold as authorized by subsection (b), the proceeds  
14 of the sale shall be credited to the asset seizure and forfeiture fund of the  
15 seizing agency.

16 (d) *If a weapon is seized from an individual and the individual is not*  
17 *convicted of or adjudicated as a juvenile offender for a violation of any of*  
18 *the crimes described in subsection (a), the law enforcement agency that*  
19 *seized the weapon shall verify that the weapon is not stolen, and upon*  
20 *such verification shall return the weapon to the individual from whom it*  
21 *was seized within 30 days. Any weapon verified to have been stolen shall*  
22 *be disposed of pursuant to subsection (b).*

23 Sec. 10. K.S.A. 2013 Supp. 21-6309 is hereby amended to read as  
24 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement  
25 of a culpable mental state, a firearm:

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

27 (2) within the governor's residence;

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

30 (4) within any other state-owned or leased building if the secretary of  
31 administration has so designated by rules and regulations and  
32 conspicuously placed signs clearly stating that firearms are prohibited  
33 within such building; ~~or~~

34 (5) within any county courthouse, unless, by county resolution, the  
35 board of county commissioners authorize the possession of a firearm  
36 within such courthouse; *or*

37 (6) *within any municipal building, provided that:*

38 (A) *Such municipal building has adequate security measures to*  
39 *ensure that no weapons are permitted to be carried into such building;*  
40 *and*

41 (B) *such municipal building is conspicuously posted at each*  
42 *entryway into such building with signs stating that firearms are prohibited*  
43 *within such municipal building.*

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

2 (c) This section shall not apply to:

3 (1) A commissioned law enforcement officer;

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

6 (3) any person summoned by any such officer to assist in making  
7 arrests or preserving the peace while actually engaged in assisting such  
8 officer; or

9 (4) a member of the military of this state or the United States engaged  
10 in the performance of duties.

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

12 (1) Governor, the governor's immediate family, or specifically  
13 authorized guest of the governor to possess a firearm within the governor's  
14 residence or on the grounds of or in any building on the grounds of the  
15 governor's residence;

16 (2) United States attorney for the district of Kansas, the attorney  
17 general, any district attorney or county attorney, any assistant United  
18 States attorney if authorized by the United States attorney for the district  
19 of Kansas, any assistant attorney general if authorized by the attorney  
20 general, or any assistant district attorney or assistant county attorney if  
21 authorized by the district attorney or county attorney by whom such  
22 assistant is employed, to possess a firearm within any county courthouse  
23 and court-related facility, subject to any restrictions or prohibitions  
24 imposed in any courtroom by the chief judge of the judicial district. The  
25 provisions of this paragraph shall not apply to any person not in  
26 compliance with K.S.A. 2013 Supp. 75-7c19, and amendments thereto; or

27 (3) law enforcement officers from another state or a retired law  
28 enforcement officer meeting the requirements of the federal law  
29 enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, to possess a  
30 firearm.

31 (e) It is not a violation of this section for a person to possess a  
32 handgun as authorized under the personal and family protection act.

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

37 (1) Buildings have adequate security measures to ensure that no  
38 weapons are permitted to be carried into such buildings;

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

1 (3) buildings have a sign conspicuously posted at each entryway into  
2 such building stating that the provisions of subsection (d)(2) do not apply  
3 to such building.

4 (g) As used in this section:

5 (1) "Adequate security measures" shall have the same meaning as the  
6 term is defined in K.S.A. 2013 Supp. 75-7c20, and amendments thereto;

7 (2) "possession" means having joint or exclusive control over a  
8 firearm or having a firearm in a place where the person has some measure  
9 of access and right of control; ~~and~~

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

12 (4) (A) *"municipal building" means a building owned or leased by a*  
13 *municipality.*

14 (B) *The term "municipal building" shall not include:*

15 (i) *A building owned by a municipality that is leased by a private*  
16 *entity, whether for profit or not-for-profit;*

17 (ii) *a building held in title by a municipality solely for reasons of*  
18 *revenue bond financing;*

19 (iii) *a municipal-owned medical care facility, as defined in K.S.A. 65-*  
20 *425, and amendments thereto; or*

21 (iv) *a municipal-owned adult care home, as defined in K.S.A. 39-923,*  
22 *and amendments thereto; and*

23 (5) (A) *"municipal" means any county, township, city or other*  
24 *political or taxing subdivision of the state, or any agency, authority,*  
25 *institution or other instrumentality thereof.*

26 (B) *The term "municipal" shall not include any unified school district*  
27 *or any postsecondary educational institution, as defined in K.S.A. 74-*  
28 *3201b, and amendments thereto.*

29 (h) For the purposes of subsections (a)(1), (a)(4) ~~and~~, (a)(5) *and* (a)  
30 (6), "building," ~~and~~ "courthouse" *and* "municipal building" shall not  
31 include any structure, or any area of any structure, designated for the  
32 parking of motor vehicles.

33 Sec. 11. K.S.A. 2013 Supp. 75-7c20 is hereby amended to read as  
34 follows: 75-7c20. (a) The carrying of a concealed handgun as authorized  
35 by the personal and family protection act shall not be prohibited in any  
36 state or municipal building unless such building has adequate security  
37 measures to ensure that no weapons are permitted to be carried into such  
38 building and the building is conspicuously posted in accordance with  
39 K.S.A. 2013 Supp. 75-7c10, and amendments thereto.

40 (b) Any state or municipal building which contains both public access  
41 entrances and restricted access entrances shall provide adequate security  
42 measures at the public access entrances in order to prohibit the carrying of  
43 any weapons into such building.

1 (c) No state agency or municipality shall prohibit an employee who is  
2 licensed to carry a concealed handgun under the provisions of the personal  
3 and family protection act from carrying such concealed handgun at the  
4 employee's work place unless the building has adequate security measures  
5 and the building is conspicuously posted in accordance with K.S.A. 2013  
6 Supp. 75-7c10, and amendments thereto.

7 (d) It shall not be a violation of the personal and family protection act  
8 for a person to carry a concealed handgun into a state or municipal  
9 building so long as that person is licensed to carry a concealed handgun  
10 under the provisions of the personal and family protection act and has  
11 authority to enter through a restricted access entrance into such building  
12 which provides adequate security measures and the building is  
13 conspicuously posted in accordance with K.S.A. 2013 Supp. 75-7c10, and  
14 amendments thereto.

15 (e) A state agency or municipality which provides adequate security  
16 measures in a state or municipal building and which conspicuously posts  
17 signage in accordance with K.S.A. 2013 Supp. 75-7c10, and amendments  
18 thereto, prohibiting the carrying of a concealed handgun in such building,  
19 as authorized by the personal and family protection act, such state agency  
20 or municipality shall not be liable for any wrongful act or omission  
21 relating to actions of persons licensed to carry a concealed handgun  
22 concerning acts or omissions regarding such handguns.

23 (f) A state agency or municipality which does not provide adequate  
24 security measures in a state or municipal building and which allows the  
25 carrying of a concealed handgun as authorized by the personal and family  
26 protection act shall not be liable for any wrongful act or omission relating  
27 to actions of persons licensed to carry a concealed handgun concerning  
28 acts or omissions regarding such handguns.

29 (g) Nothing in this act shall limit the ability of a corrections facility, a  
30 jail facility or a law enforcement agency to prohibit the carrying of a  
31 handgun or other firearm concealed or unconcealed by any person into any  
32 secure area of a building located on such premises, except those areas of  
33 such building outside of a secure area and readily accessible to the public  
34 shall be subject to the provisions of subsection (b).

35 (h) Nothing in this section shall limit the ability of the chief judge of  
36 each judicial district to prohibit the carrying of a concealed handgun by  
37 any person into courtrooms or ancillary courtrooms within the district  
38 provided that other means of security are employed such as armed law  
39 enforcement or armed security officers.

40 (i) The governing body or the chief administrative officer, if no  
41 governing body exists, of a state or municipal building, may exempt the  
42 building from this section until January 1, 2014, by notifying the Kansas  
43 attorney general and the law enforcement agency of the local jurisdiction

1 by letter of such exemption. Thereafter, such governing body or chief  
2 administrative officer may exempt a state or municipal building for a  
3 period of only four years by adopting a resolution, or drafting a letter,  
4 listing the legal description of such building, listing the reasons for such  
5 exemption, and including the following statement: "A security plan has  
6 been developed for the building being exempted which supplies adequate  
7 security to the occupants of the building and merits the prohibition of the  
8 carrying of a concealed handgun as authorized by the personal and family  
9 protection act." A copy of the security plan for the building shall be  
10 maintained on file and shall be made available, upon request, to the  
11 Kansas attorney general and the law enforcement agency of local  
12 jurisdiction. Notice of this exemption, together with the resolution adopted  
13 or the letter drafted, shall be sent to the Kansas attorney general and to the  
14 law enforcement agency of local jurisdiction. The security plan shall not  
15 be subject to disclosure under the Kansas open records act.

16 (j) The governing body or the chief administrative officer, if no  
17 governing body exists, of any of the following institutions may exempt  
18 any building of such institution from this section for a period of four years  
19 only by stating the reasons for such exemption and sending notice of such  
20 exemption to the Kansas attorney general:

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

23 (2) a state or municipal-owned adult care home, as defined in K.S.A.  
24 39-923, and amendments thereto;

25 (3) a community mental health center organized pursuant to K.S.A.  
26 19-4001 et seq., and amendments thereto;

27 (4) an indigent health care clinic, as defined by K.S.A. 2013 Supp.  
28 65-7402, and amendments thereto; or

29 (5) a postsecondary educational institution, as defined in K.S.A. 74-  
30 3201b, and amendments thereto, including any buildings located on the  
31 grounds of such institution and any buildings leased by such institution.

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

35 (l) For purposes of this section:

36 (1) "Adequate security measures" means the use of electronic  
37 equipment and personnel at public entrances to detect and restrict the  
38 carrying of any weapons into the state or municipal building, including,  
39 but not limited to, metal detectors, metal detector wands or any other  
40 equipment used for similar purposes to ensure that weapons are not  
41 permitted to be carried into such building by members of the public.  
42 Adequate security measures for storing and securing lawfully carried  
43 weapons, including, but not limited to, the use of gun lockers or other

1 similar storage options may be provided at public entrances.

2 (2) The terms "municipality" and "municipal" are interchangeable  
3 and have the same meaning as the term "municipality" is defined in K.S.A.  
4 75-6102, and amendments thereto, but does not include school districts.

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

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

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

15 (B) On and after July 1, 2014, provided that the provisions of K.S.A.  
16 2013 Supp. 75-7c21, and amendments thereto, are in full force and effect,  
17 the term "state and municipal building" shall not include the state capitol.

18 (6) "Weapon" means a weapon described in K.S.A. 2013 Supp. 21-  
19 6301, and amendments thereto, *except the term "weapon" shall not include*  
20 *any cutting instrument that has a sharpened or pointed blade.*

21 (m) This section shall be a part of and supplemental to the personal  
22 and family protection act.

23 Sec. 12. K.S.A. 2013 Supp. 12-16,124, 12-16,134, 12-4516, 12-  
24 4516a, 21-6301, 21-6304, 21-6307, 21-6309 and 75-7c20 are hereby  
25 repealed.

26 Sec. 13. This act shall take effect and be in force from and after its  
27 publication in the statute book.