

SENATE BILL No. 169

By Committee on Ways and Means

2-8

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; authorizing the legislative coordinating council to
3 prohibit the carrying of concealed handguns in the state capitol;
4 amending K.S.A. 46-1202, 75-7c21 and 75-3765a and K.S.A. 2020
5 Supp. 21-6309 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 21-6309 is hereby amended to read as
9 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement
10 of a culpable mental state, a firearm:

- 11 (1) Within any building located within the capitol complex;
12 (2) within the governor's residence;
13 (3) on the grounds of or in any building on the grounds of the
14 governor's residence;
15 (4) within any other state-owned or leased building if the secretary of
16 administration has so designated by rules and regulations and
17 conspicuously placed signs clearly stating that firearms are prohibited
18 within such building; or
19 (5) within any county courthouse, unless, by county resolution, the
20 board of county commissioners authorize the possession of a firearm
21 within such courthouse.

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

23 (c) This section shall not apply to:

- 24 (1) A commissioned law enforcement officer;
25 (2) a full-time salaried law enforcement officer of another state or the
26 federal government who is carrying out official duties while in this state;
27 (3) any person summoned by any such officer to assist in making
28 arrests or preserving the peace while actually engaged in assisting such
29 officer; or
30 (4) a member of the military of this state or the United States engaged
31 in the performance of duties.

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

- 33 (1) The governor, the governor's immediate family, or specifically
34 authorized guest of the governor to possess a firearm within the governor's
35 residence or on the grounds of or in any building on the grounds of the
36 governor's residence;

1 (2) the United States attorney for the district of Kansas, the attorney
2 general, any district attorney or county attorney, any assistant United
3 States attorney if authorized by the United States attorney for the district
4 of Kansas, any assistant attorney general if authorized by the attorney
5 general, or any assistant district attorney or assistant county attorney if
6 authorized by the district attorney or county attorney by whom such
7 assistant is employed, to possess a firearm within any county courthouse
8 and court-related facility, subject to any restrictions or prohibitions
9 imposed in any courtroom by the chief judge of the judicial district;

10 (3) law enforcement officers, as that term is defined in K.S.A. 75-
11 7c22, and amendments thereto, who satisfy the requirements of either
12 K.S.A. 75-7c22(a) or (b), and amendments thereto, to possess a firearm; or

13 (4) an individual to possess a concealed handgun provided such
14 individual is not prohibited from possessing a firearm under either federal
15 or state law *and, if such individual is located in the state capitol, there is*
16 *no policy in effect prohibiting the carrying of concealed handguns in the*
17 *state capitol pursuant to K.S.A. 75-7c21, and amendments thereto.*

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

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

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

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

32 (f) As used in this section:

33 (1) "Adequate security measures" ~~shall have the same meaning~~
34 *means the same* as the term is defined in K.S.A. 75-7c20, and amendments
35 thereto;

36 (2) "possession" means having joint or exclusive control over a
37 firearm or having a firearm in a place where the person has some measure
38 of access and right of control; and

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

41 (g) For the purposes of subsections (a)(1), (a)(4) and (a)(5),
42 "building" and "courthouse" shall not include any structure, or any area of
43 any structure, designated for the parking of motor vehicles.

1 Sec. 2. K.S.A. 46-1202 is hereby amended to read as follows: 46-
2 1202. (a) The legislative coordinating council shall have general authority
3 over all legislative services and such authority shall be exercised by such
4 council as it shall determine, except as otherwise provided by chapter 46
5 of Kansas Statutes Annotated. The legislative coordinating council shall
6 represent the legislature when the legislature is not in session. The
7 legislative coordinating council may adopt and amend rules applicable to
8 its affairs or to the meetings and activities of special committees, standing
9 committees or advisory committees, except that such rules shall not apply
10 to standing committees meeting while the legislature is in session. When
11 the legislature is not in session, the legislative coordinating council shall
12 govern the mechanics and procedure of all legislative committee work and
13 activities, except that of the interstate cooperation commission, legislative
14 post-audit committee, state finance council and the ways and means of the
15 senate and the committee on appropriations of the house of representatives
16 when meeting under authority of K.S.A. 46-134a and amendments thereto.
17 A majority vote of five members of the legislative coordinating council
18 shall be required for any action of the council, except that action relating
19 solely to one house of the legislature may be authorized by the unanimous
20 vote of the members of the legislative coordinating council who are
21 members of such house of the legislature.

22 (b) *The legislative coordinating council may take action as*
23 *authorized by K.S.A. 75-7c21, and amendments thereto, at any time,*
24 *including when the legislature is in session. Such action shall be limited*
25 *solely to the legislative coordinating council's authority under K.S.A. 75-*
26 *7c21, and amendments thereto.*

27 Sec. 3. K.S.A. 75-7c21 is hereby amended to read as follows: 75-
28 7c21. (a) *Except when prohibited pursuant to subsection (b),* an individual
29 may carry a concealed handgun in the state capitol, provided such
30 individual is not prohibited from possessing a firearm under either federal
31 or state law.

32 (b) (1) *The legislative coordinating council may adopt a policy*
33 *prohibiting the carrying of concealed handguns in the state capitol,*
34 *provided that, prior to the adoption of any such policy, the legislative*
35 *coordinating council determines that the state capitol has adequate*
36 *security measures, as such term is defined in K.S.A. 75-7c20, and*
37 *amendments thereto, to ensure that no weapons are permitted to be*
38 *carried into the state capitol. Any such policy shall specify the dates on*
39 *which the prohibition against carrying of concealed handguns in the state*
40 *capitol commences and terminates. Any such policy may exempt law*
41 *enforcement officers or members of the United States military or Kansas*
42 *national guard who are engaged in the performance of their duties. No*
43 *such policy shall prohibit the possession of a handgun in a private means*

1 *of conveyance located in any parking lot or structure, or any area of any*
2 *structure, designated for the parking of motor vehicles.*

3 (2) *Nothing in this section shall be construed to limit the number of*
4 *times the legislative coordinating council may adopt such a policy.*

5 (3) *Any such policy adopted by the legislative coordinating council*
6 *may be revoked upon the adoption of a concurrent resolution by the*
7 *legislature.*

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

10 Sec. 4. K.S.A. 75-3765a is hereby amended to read as follows: 75-
11 3765a. (a) Assignment of space and facilities in the state capitol building
12 shall be made by a vote of five of the members of the legislative
13 coordinating council. Except as otherwise provided by this section, space
14 and facilities in the state capitol building shall be permanently assigned
15 only to the governor, lieutenant governor and the legislature and staff
16 offices, departments and agencies thereof. The rooms designated as 240-N
17 and 241-N in the state capitol building shall be used by the secretary of
18 state and other state officials for ceremonial and other purposes subject to
19 scheduling and approval by the director of legislative administrative
20 services in accordance with policies of the legislative coordinating council.
21 Except as otherwise provided by this section, space and facilities in the
22 state capitol building occupied on the effective date of this act by the
23 secretary of state, department of administration, state library and agencies,
24 offices and departments thereof are temporarily assigned in accordance
25 with such occupancy, but such occupancies shall be modified in
26 accordance with this section from time to time as other offices and
27 facilities become available. The secretary of administration shall provide
28 offices and facilities outside of the state capitol building at the earliest
29 practicable time for occupants of the state capitol building other than the
30 foregoing permanent and temporary assignments.

31 (b) *The legislative coordinating council may prohibit the carrying of*
32 *concealed handguns in the state capitol building pursuant to K.S.A. 75-*
33 *7c21, and amendments thereto. Any such policy adopted by the legislative*
34 *coordinating council shall apply to all spaces and facilities in the state*
35 *capitol building, except any parking lot or structure, or any area of any*
36 *structure, designated for the parking of motor vehicles.*

37 Sec. 5. K.S.A. 46-1202, 75-7c21 and 75-3765a and K.S.A. 2020
38 Supp. 21-6309 are hereby repealed.

39 Sec. 6. This act shall take effect and be in force from and after its
40 publication in the Kansas register.