

SENATE BILL No. 153

By Committee on Federal and State Affairs

2-4

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; creating an exemption for public libraries; amending
3 K.S.A. 2014 Supp. 75-7c20 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2014 Supp. 75-7c20 is hereby amended to read as
7 follows: 75-7c20. (a) The carrying of a concealed handgun as authorized
8 by the personal and family protection act shall not be prohibited in any
9 state or municipal building unless such building has adequate security
10 measures to ensure that no weapons are permitted to be carried into such
11 building and the building is conspicuously posted in accordance with
12 K.S.A. 2014 Supp. 75-7c10, and amendments thereto.

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

17 (c) No state agency or municipality shall prohibit an employee who is
18 licensed to carry a concealed handgun under the provisions of the personal
19 and family protection act from carrying such concealed handgun at the
20 employee's work place unless the building has adequate security measures
21 and the building is conspicuously posted in accordance with K.S.A. 2014
22 Supp. 75-7c10, and amendments thereto.

23 (d) It shall not be a violation of the personal and family protection act
24 for a person to carry a concealed handgun into a state or municipal
25 building so long as that person is licensed to carry a concealed handgun
26 under the provisions of the personal and family protection act and has
27 authority to enter through a restricted access entrance into such building
28 which provides adequate security measures and the building is
29 conspicuously posted in accordance with K.S.A. 2014 Supp. 75-7c10, and
30 amendments thereto.

31 (e) A state agency or municipality which provides adequate security
32 measures in a state or municipal building and which conspicuously posts
33 signage in accordance with K.S.A. 2014 Supp. 75-7c10, and amendments
34 thereto, prohibiting the carrying of a concealed handgun in such building,
35 as authorized by the personal and family protection act, such state agency
36 or municipality shall not be liable for any wrongful act or omission

1 relating to actions of persons licensed to carry a concealed handgun
2 concerning acts or omissions regarding such handguns.

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

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

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

20 (i) The governing body or the chief administrative officer, if no
21 governing body exists, of a state or municipal building, may exempt the
22 building from this section until January 1, 2014, by notifying the Kansas
23 attorney general and the law enforcement agency of the local jurisdiction
24 by letter of such exemption. Thereafter, such governing body or chief
25 administrative officer may exempt a state or municipal building for a
26 period of only four years by adopting a resolution, or drafting a letter,
27 listing the legal description of such building, listing the reasons for such
28 exemption, and including the following statement: "A security plan has
29 been developed for the building being exempted which supplies adequate
30 security to the occupants of the building and merits the prohibition of the
31 carrying of a concealed handgun as authorized by the personal and family
32 protection act." A copy of the security plan for the building shall be
33 maintained on file and shall be made available, upon request, to the
34 Kansas attorney general and the law enforcement agency of local
35 jurisdiction. Notice of this exemption, together with the resolution adopted
36 or the letter drafted, shall be sent to the Kansas attorney general and to the
37 law enforcement agency of local jurisdiction. The security plan shall not
38 be subject to disclosure under the Kansas open records act.

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

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

3 (2) a state or municipal-owned adult care home, as defined in K.S.A.
4 39-923, and amendments thereto;

5 (3) a community mental health center organized pursuant to K.S.A.
6 19-4001 et seq., and amendments thereto;

7 (4) an indigent health care clinic, as defined by K.S.A. 2014 Supp.
8 65-7402, and amendments thereto; or

9 (5) a postsecondary educational institution, as defined in K.S.A. 74-
10 3201b, and amendments thereto, including any buildings located on the
11 grounds of such institution and any buildings leased by such institution.

12 (k) The provisions of this section shall not apply to any building
13 located on the grounds of the Kansas state school for the deaf or the
14 Kansas state school for the blind, *or any state or municipal building*
15 *operated as a public library.*

16 (l) Nothing in this section shall be construed to prohibit any law
17 enforcement officer, as defined in K.S.A. 2014 Supp. 75-7c22, and
18 amendments thereto, who satisfies the requirements of either ~~subsection~~
19 ~~(a) or (b) of K.S.A. 2014 Supp. 75-7c22(a) or (b)~~, and amendments
20 thereto, from carrying a concealed handgun into any state or municipal
21 building in accordance with the provisions of K.S.A. 2014 Supp. 75-7c22,
22 and amendments thereto, subject to any restrictions or prohibitions
23 imposed in any courtroom by the chief judge of the judicial district.

24 (m) For purposes of this section:

25 (1) "Adequate security measures" means the use of electronic
26 equipment and personnel at public entrances to detect and restrict the
27 carrying of any weapons into the state or municipal building, including,
28 but not limited to, metal detectors, metal detector wands or any other
29 equipment used for similar purposes to ensure that weapons are not
30 permitted to be carried into such building by members of the public.
31 Adequate security measures for storing and securing lawfully carried
32 weapons, including, but not limited to, the use of gun lockers or other
33 similar storage options may be provided at public entrances.

34 (2) The terms "municipality" and "municipal" are interchangeable and
35 have the same meaning as the term "municipality" is defined in K.S.A. 75-
36 6102, and amendments thereto, but does not include school districts.

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

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

42 (5) (A) "State or municipal building" means a building owned or
43 leased by such public entity. It does not include a building owned by the

1 state or a municipality which is leased by a private entity whether for
2 profit or not-for-profit or a building held in title by the state or a
3 municipality solely for reasons of revenue bond financing.

4 (B) On and after July 1, 2014, provided that the provisions of K.S.A.
5 2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,
6 the term "state and municipal building" shall not include the state capitol.

7 (6) "Weapon" means a weapon described in K.S.A. 2014 Supp. 21-
8 6301, and amendments thereto, except the term "weapon" shall not include
9 any cutting instrument that has a sharpened or pointed blade.

10 (n) This section shall be a part of and supplemental to the personal
11 and family protection act.

12 Sec. 2. K.S.A. 2014 Supp. 75-7c20 is hereby repealed.

13 Sec. 3. This act shall take effect and be in force from and after its
14 publication in the statute book.