

SENATE BILL No. 45

By Senators Bruce, Abrams, Arpke, Baumgardner, Bowers, Donovan, Fitzgerald, Holmes, Kelly, Kerschen, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson and Wilborn

1-21

1 AN ACT concerning firearms; relating to the carrying of concealed
2 firearms; relating to the personal and family protection act; amending
3 K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-6309, 32-
4 1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17, 75-7c20
5 and 75-7c21 and repealing the existing sections; also repealing K.S.A.
6 2014 Supp. 75-7c19.

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

9 Section 1. K.S.A. 2014 Supp. 21-5914 is hereby amended to read as
10 follows: 21-5914.(a) Traffic in contraband in a correctional institution or
11 care and treatment facility is, without the consent of the administrator of
12 the correctional institution or care and treatment facility:

13 (1) Introducing or attempting to introduce any item into or upon the
14 grounds of any correctional institution or care and treatment facility;

15 (2) taking, sending, attempting to take or attempting to send any item
16 from any correctional institution or care and treatment facility;

17 (3) any unauthorized possession of any item while in any correctional
18 institution or care and treatment facility;

19 (4) distributing any item within any correctional institution or care
20 and treatment facility;

21 (5) supplying to another who is in lawful custody any object or thing
22 adapted or designed for use in making an escape; or

23 (6) introducing into an institution in which a person is confined any
24 object or thing adapted or designed for use in making any escape.

25 (b) Traffic in contraband in a correctional institution or care and
26 treatment facility is a:

27 (1) Severity level 6, nonperson felony, except as provided in
28 subsection (b)(2) or (b)(3);

29 (2) severity level 5, nonperson felony if such items are:

30 (A) Firearms, ammunition, explosives or a controlled substance
31 which is defined in K.S.A. 2014 Supp. 21-5701, and amendments thereto,
32 except as provided in subsection (b)(3);

33 (B) defined as contraband by rules and regulations adopted by the

1 secretary of corrections, in a state correctional institution or facility by an
2 employee of a state correctional institution or facility, except as provided
3 in subsection (b)(3);

4 (C) defined as contraband by rules and regulations adopted by the
5 secretary for aging and disability services, in a care and treatment facility
6 by an employee of a care and treatment facility, except as provided in
7 subsection (b)(3); or

8 (D) defined as contraband by rules and regulations adopted by the
9 commissioner of the juvenile justice authority, in a juvenile correctional
10 facility by an employee of a juvenile correctional facility, except as
11 provided by subsection (b)(3); and

12 (3) severity level 4, nonperson felony if:

13 (A) Such items are firearms, ammunition or explosives, in a
14 correctional institution by an employee of a correctional institution or in a
15 care and treatment facility by an employee of a care and treatment facility;
16 or

17 (B) a violation of subsection (a)(5) or (a)(6) by an employee or
18 volunteer of the department of corrections, or the employee or volunteer of
19 a contractor who is under contract to provide services to the department of
20 corrections.

21 (c) The provisions of subsection (b)(2)(A) shall not apply to the
22 possession of a firearm or ammunition ~~by a person licensed under the~~
23 ~~personal and family protection act, K.S.A. 75-7e01 et seq., and~~
24 ~~amendments thereto~~; in a parking lot open to the public if the firearm or
25 ammunition is carried on the person while in a vehicle or while securing
26 the firearm or ammunition in the vehicle, or stored out of plain view in a
27 locked but unoccupied vehicle.

28 (d) As used in this section:

29 (1) "Correctional institution" means any state correctional institution
30 or facility, conservation camp, state security hospital, juvenile correctional
31 facility, community correction center or facility for detention or
32 confinement, juvenile detention facility or jail;

33 (2) "care and treatment facility" means the state security hospital
34 provided for under K.S.A. 76-1305 et seq., and amendments thereto, and a
35 facility operated by the Kansas department for aging and disability
36 services for the purposes provided for under K.S.A. 59-29a02 et seq., and
37 amendments thereto; and

38 (3) "lawful custody" means the same as in K.S.A. 2014 Supp. 21-
39 5912, and amendments thereto.

40 Sec. 2. K.S.A. 2014 Supp. 21-6301 is hereby amended to read as
41 follows: 21-6301. (a) Criminal use of weapons is knowingly:

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

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

5 (3) setting a spring gun;

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

8 (5) selling, manufacturing, purchasing or possessing a shotgun with a
9 barrel less than 18 inches in length, or any firearm designed to discharge
10 or capable of discharging automatically more than once by a single
11 function of the trigger, whether the person knows or has reason to know
12 the length of the barrel or that the firearm is designed or capable of
13 discharging automatically;

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

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

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

26 (9) selling, giving or otherwise transferring any firearm to any person
27 who is or has been a mentally ill person subject to involuntary
28 commitment for care and treatment, as defined in K.S.A. 59-2946, and
29 amendments thereto, or a person with an alcohol or substance abuse
30 problem subject to involuntary commitment for care and treatment as
31 defined in K.S.A. 59-29b46, and amendments thereto;

32 (10) possessing any firearm by a person who is both addicted to and
33 an unlawful user of a controlled substance;

34 (11) possessing any firearm by any person, other than a law
35 enforcement officer, in or on any school property or grounds upon which is
36 located a building or structure used by a unified school district or an
37 accredited nonpublic school for student instruction or attendance or
38 extracurricular activities of pupils enrolled in kindergarten or any of the
39 grades one through 12 or at any regularly scheduled school sponsored
40 activity or event whether the person knows or has reason to know that such
41 person was in or on any such property or grounds;

42 (12) refusing to surrender or immediately remove from school
43 property or grounds or at any regularly scheduled school sponsored

1 activity or event any firearm in the possession of any person, other than a
2 law enforcement officer, when so requested or directed by any duly
3 authorized school employee or any law enforcement officer;

4 (13) possessing any firearm by a person who is or has been a mentally
5 ill person subject to involuntary commitment for care and treatment, as
6 defined in K.S.A. 59-2946, and amendments thereto, or persons with an
7 alcohol or substance abuse problem subject to involuntary commitment for
8 care and treatment as defined in K.S.A. 59-29b46, and amendments
9 thereto; or

10 (14) possessing a firearm with a barrel less than 12 inches long by
11 any person less than 18 years of age.

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

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

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

17 (3) subsection (a)(10) or (a)(11) is a class B nonperson select
18 misdemeanor;

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

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

21 (A) Class A nonperson misdemeanor except as provided in subsection
22 (b)(5)(B);

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

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

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

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

33 (3) members of the armed services or reserve forces of the United
34 States or the Kansas national guard while in the performance of their
35 official duty; or

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

39 (d) Subsections (a)(4) and (a)(5) shall not apply to any person who
40 sells, purchases, possesses or carries a firearm, device or attachment which
41 has been rendered unserviceable by steel weld in the chamber and
42 marriage weld of the barrel to the receiver and which has been registered
43 in the national firearms registration and transfer record in compliance with

1 26 U.S.C. § 5841 et seq. in the name of such person and, if such person
2 transfers such firearm, device or attachment to another person, has been so
3 registered in the transferee's name by the transferor.

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

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

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

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

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

13 (A) Owned by the law enforcement agency;

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

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

17 (g) Subsections (a)(4), (a)(5) and (a)(6) shall not apply to any person
18 employed by a laboratory which is certified by the United States
19 department of justice, national institute of justice, while actually engaged
20 in the duties of their employment and on the premises of such certified
21 laboratory. Subsections (a)(4), (a)(5) and (a)(6) shall not affect the
22 manufacture of, transportation to or sale of weapons to such certified
23 laboratory.

24 (h) Subsections (a)(4) and (a)(5) shall not apply to or affect any
25 person or entity in compliance with the national firearms act, 26 U.S.C. §
26 5801 et seq.

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

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

31 (2) possession of any firearm specifically authorized in writing by the
32 superintendent of any unified school district or the chief administrator of
33 any accredited nonpublic school;

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

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

40 (5) possession of a *concealed* handgun by an individual who is
41 ~~licensed by the attorney general to carry a concealed handgun under~~
42 ~~K.S.A. 2014 Supp. 75-7e01 et seq., and amendments thereto not~~
43 ~~prohibited from possessing a firearm under either federal or state law.~~

1 (j) Subsections (a)(9) and (a)(13) shall not apply to a person who has
2 received a certificate of restoration pursuant to K.S.A. 2014 Supp. 75-
3 7c26, and amendments thereto.

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

6 (1) In attendance at a hunter's safety course or a firearms safety
7 course;

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

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

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

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

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

27 (7) at such person's residence and who, with the permission of such
28 person's parent or legal guardian, possesses such firearm for the purpose of
29 exercising the rights contained in K.S.A. 2014 Supp. 21-5222, 21-5223 or
30 21-5225, and amendments thereto.

31 (l) As used in this section, "throwing star" means any instrument,
32 without handles, consisting of a metal plate having three or more radiating
33 points with one or more sharp edges and designed in the shape of a
34 polygon, trefoil, cross, star, diamond or other geometric shape,
35 manufactured for use as a weapon for throwing.

36 Sec. 3. K.S.A. 2014 Supp. 21-6302 is hereby amended to read as
37 follows: 21-6302. (a) Criminal carrying of a weapon is knowingly
38 carrying:

39 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

40 (2) concealed on one's person, a billy, blackjack, slungshot or any
41 other dangerous or deadly weapon or instrument of like character;

42 (3) on one's person or in any land, water or air vehicle, with intent to
43 use the same unlawfully, a tear gas or smoke bomb or projector or any

1 object containing a noxious liquid, gas or substance; *or*

2 (4) ~~any pistol, revolver or other firearm concealed on one's person~~
3 ~~except when on the person's land or in the person's abode or fixed place of~~
4 ~~business; or~~

5 ~~(5) a shotgun with a barrel less than 18 inches in length or any other~~
6 ~~firearm designed to discharge or capable of discharging automatically~~
7 ~~more than once by a single function of the trigger whether the person~~
8 ~~knows or has reason to know the length of the barrel or that the firearm is~~
9 ~~designed or capable of discharging automatically.~~

10 (b) Criminal carrying of a weapon as defined in:

11 (1) Subsections (a)(1), (a)(2); *or* (a)(3) ~~or (a)(4)~~ is a class A nonperson
12 misdemeanor; and

13 (2) subsection ~~(a)(5)~~ (a)(4) is a severity level 9, nonperson felony.

14 (c) Subsection (a) shall not apply to:

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

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

22 (3) members of the armed services or reserve forces of the United
23 States or the Kansas national guard while in the performance of their
24 official duty; or

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

28 ~~(d) Subsection (a)(4) shall not apply to:~~

29 ~~(1) Watchmen, while actually engaged in the performance of the~~
30 ~~duties of their employment;~~

31 ~~(2) licensed hunters or fishermen, while engaged in hunting or~~
32 ~~fishing;~~

33 ~~(3) private detectives licensed by the state to carry the firearm~~
34 ~~involved, while actually engaged in the duties of their employment;~~

35 ~~(4) detectives or special agents regularly employed by railroad~~
36 ~~companies or other corporations to perform full-time security or~~
37 ~~investigative service, while actually engaged in the duties of their~~
38 ~~employment;~~

39 ~~(5) the state fire marshal, the state fire marshal's deputies or any~~
40 ~~member of a fire department authorized to carry a firearm pursuant to~~
41 ~~K.S.A. 31-157, and amendments thereto, while engaged in an investigation~~
42 ~~in which such fire marshal, deputy or member is authorized to carry a~~
43 ~~firearm pursuant to K.S.A. 31-157, and amendments thereto;~~

1 ~~(6) special deputy sheriffs described in K.S.A. 19-827, and~~
2 ~~amendments thereto, who have satisfactorily completed the basic course of~~
3 ~~instruction required for permanent appointment as a part-time law~~
4 ~~enforcement officer under K.S.A. 74-5607a, and amendments thereto;~~

5 ~~(7) the United States attorney for the district of Kansas, the attorney~~
6 ~~general, any district attorney or county attorney, any assistant United~~
7 ~~States attorney if authorized by the United States attorney for the district~~
8 ~~of Kansas, any assistant attorney general if authorized by the attorney~~
9 ~~general, or any assistant district attorney or assistant county attorney if~~
10 ~~authorized by the district attorney or county attorney by whom such~~
11 ~~assistant is employed. The provisions of this paragraph shall not apply to~~
12 ~~any person not in compliance with K.S.A. 2014 Supp. 75-7e19, and~~
13 ~~amendments thereto;~~

14 ~~(8) any law enforcement officer, as that term is defined in K.S.A.~~
15 ~~2014 Supp. 75-7e22, and amendments thereto, who satisfies the~~
16 ~~requirements of either subsection (a) or (b) of K.S.A. 2014 Supp. 75-7e22,~~
17 ~~and amendments thereto; or~~

18 ~~(9) any person carrying a concealed handgun as authorized by K.S.A.~~
19 ~~2014 Supp. 75-7e01 et seq., and amendments thereto.~~

20 ~~(e) (d)~~ Subsection ~~(a)(5)~~ (a)(4) shall not apply to:

21 (1) Any person who sells, purchases, possesses or carries a firearm,
22 device or attachment which has been rendered unserviceable by steel weld
23 in the chamber and marriage weld of the barrel to the receiver and which
24 has been registered in the national firearms registration and transfer record
25 in compliance with 26 U.S.C. § 5841 et seq. in the name of such person
26 and, if such person transfers such firearm, device or attachment to another
27 person, has been so registered in the transferee's name by the transferor;

28 (2) any person employed by a laboratory which is certified by the
29 United States department of justice, national institute of justice, while
30 actually engaged in the duties of their employment and on the premises of
31 such certified laboratory. Subsection ~~(a)(5)~~ (a)(4) shall not affect the
32 manufacture of, transportation to or sale of weapons to such certified
33 laboratory; or

34 (3) any person or entity in compliance with the national firearms act,
35 26 U.S.C. § 5801 et seq.

36 ~~(f) It shall not be a violation of this section if a person violates the~~
37 ~~provisions of K.S.A. 2014 Supp. 75-7e03, and amendments thereto, but~~
38 ~~has an otherwise valid license to carry a concealed handgun which is~~
39 ~~issued or recognized by this state.~~

40 ~~(g) (e)~~ As used in this section, "throwing star" means the same as
41 prescribed by K.S.A. 2014 Supp. 21-6301, and amendments thereto.

42 Sec. 4. K.S.A. 2014 Supp. 21-6308 is hereby amended to read as
43 follows: 21-6308. (a) Criminal discharge of a firearm is the:

1 (1) Reckless and unauthorized discharge of any firearm:

2 (A) At a dwelling, building or structure in which there is a human
3 being whether the person discharging the firearm knows or has reason to
4 know that there is a human being present;

5 (B) at a motor vehicle, aircraft, watercraft, train, locomotive, railroad
6 car, caboose, rail-mounted work equipment or rolling stock or other means
7 of conveyance of persons or property in which there is a human being
8 whether the person discharging the firearm knows or has reason to know
9 that there is a human being present;

10 (2) reckless and unauthorized discharge of any firearm at a dwelling
11 in which there is no human being; or

12 (3) discharge of any firearm:

13 (A) Upon any land or nonnavigable body of water of another, without
14 having obtained permission of the owner or person in possession of such
15 land; or

16 (B) upon or from any public road, public road right-of-way or
17 railroad right-of-way except as otherwise authorized by law.

18 (b) Criminal discharge of a firearm as defined in:

19 (1) Subsection (a)(1) is a:

20 (A) Severity level 7, person felony except as provided in subsection
21 (b)(1)(B) or (b)(1)(C);

22 (B) severity level 3, person felony if such criminal discharge results
23 in great bodily harm to a person during the commission thereof; or

24 (C) severity level 5, person felony if such criminal discharge results
25 in bodily harm to a person during the commission thereof;

26 (2) subsection (a)(2) is a severity level 8, person felony; and

27 (3) subsection (a)(3) is a class C misdemeanor.

28 (c) Subsection (a)(1) shall not apply if the act is a violation of
29 ~~subsection (d) of~~ K.S.A. 2014 Supp. 21-5412(d), and amendments thereto.

30 (d) Subsection (a)(3) shall not apply to any of the following:

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

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

38 (3) members of the armed services or reserve forces of the United
39 States or the national guard while in the performance of their official duty;

40 (4) watchmen, while actually engaged in the performance of the
41 duties of their employment;

42 (5) private detectives licensed by the state to carry the firearm
43 involved, while actually engaged in the duties of their employment;

1 (6) detectives or special agents regularly employed by railroad
2 companies or other corporations to perform full-time security or
3 investigative service, while actually engaged in the duties of their
4 employment;

5 (7) the state fire marshal, the state fire marshal's deputies or any
6 member of a fire department authorized to carry a firearm pursuant to
7 K.S.A. 31-157, and amendments thereto, while engaged in an investigation
8 in which such fire marshal, deputy or member is authorized to carry a
9 firearm pursuant to K.S.A. 31-157, and amendments thereto; or

10 (8) the United States attorney for the district of Kansas, the attorney
11 general, or any district attorney or county attorney, while actually engaged
12 in the duties of their employment or any activities incidental to such
13 duties; any assistant United States attorney if authorized by the United
14 States attorney for the district of Kansas and while actually engaged in the
15 duties of their employment or any activities incidental to such duties; any
16 assistant attorney general if authorized by the attorney general and while
17 actually engaged in the duties of their employment or any activities
18 incidental to such duties; or any assistant district attorney or assistant
19 county attorney if authorized by the district attorney or county attorney by
20 whom such assistant is employed and while actually engaged in the duties
21 of their employment or any activities incidental to such duties. ~~The
22 provisions of this paragraph shall not apply to any person not in
23 compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto.~~

24 Sec. 5. K.S.A. 2014 Supp. 21-6309 is hereby amended to read as
25 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement
26 of a culpable mental state, a firearm:

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

28 (2) within the governor's residence;

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

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

35 (5) within any county courthouse, unless, by county resolution, the
36 board of county commissioners authorize the possession of a firearm
37 within such courthouse.

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

39 (c) This section shall not apply to:

40 (1) A commissioned law enforcement officer;

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

43 (3) any person summoned by any such officer to assist in making

1 arrests or preserving the peace while actually engaged in assisting such
2 officer; or

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

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

6 (1) *The* governor, the governor's immediate family, or specifically
7 authorized guest of the governor to possess a firearm within the governor's
8 residence or on the grounds of or in any building on the grounds of the
9 governor's residence;

10 (2) *the* United States attorney for the district of Kansas, the attorney
11 general, any district attorney or county attorney, any assistant United
12 States attorney if authorized by the United States attorney for the district
13 of Kansas, any assistant attorney general if authorized by the attorney
14 general, or any assistant district attorney or assistant county attorney if
15 authorized by the district attorney or county attorney by whom such
16 assistant is employed, to possess a firearm within any county courthouse
17 and court-related facility, subject to any restrictions or prohibitions
18 imposed in any courtroom by the chief judge of the judicial district. ~~The~~
19 ~~provisions of this paragraph shall not apply to any person not in~~
20 ~~compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto; or~~

21 (3) law enforcement officers, as that term is defined in K.S.A. 2014
22 Supp. 75-7c22, and amendments thereto, who satisfy the requirements of
23 either ~~subsection (a) or (b) of K.S.A. 2014 Supp. 75-7c22(a) or (b), and~~
24 ~~amendments thereto, to possess a firearm; or~~

25 (4) *an individual to possess a concealed handgun provided such*
26 *individual is not prohibited from possessing a firearm under either federal*
27 *or state law.*

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

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

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

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

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

1 ~~(g)~~ (f) As used in this section:

2 (1) "Adequate security measures" shall have the same meaning as the
3 term is defined in K.S.A. 2014 Supp. 75-7c20, and amendments thereto;

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

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

9 ~~(h)~~ (g) For the purposes of subsections (a)(1), (a)(4) and (a)(5),
10 "building" and "courthouse" shall not include any structure, or any area of
11 any structure, designated for the parking of motor vehicles.

12 Sec. 6. K.S.A. 2014 Supp. 32-1002 is hereby amended to read as
13 follows: 32-1002. (a) Unless and except as permitted by law or rules and
14 regulations adopted by the secretary in accordance with K.S.A. 32-805,
15 and amendments thereto, it is unlawful for any person to:

16 (1) Hunt, fish, furharvest or take any wildlife in this state by any
17 means or manner;

18 (2) possess any wildlife, dead or alive, at any time or in any number,
19 in this state;

20 (3) purchase, sell, exchange, ship or offer for sale, exchange or
21 shipment any wildlife in this state;

22 (4) take any wildlife in this state for sale, exchange or other
23 commercial purposes;

24 (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish
25 spear, fish trap or other device, contrivance or material for the purpose of
26 taking wildlife; or

27 (6) take or use, at any time or in any manner, any game bird, game
28 animal, coyote or furbearing animal, whether pen-raised or wild, in any
29 field trial or for training dogs.

30 (b) The provisions of subsections (a)(2) and (a)(3) do not apply to
31 animals sold in surplus property disposal sales of department exhibit herds
32 or animals legally taken outside this state, except the provisions of
33 subsection (a)(3) shall apply to:

34 (1) The meat of game animals legally taken outside this state; and

35 (2) other restrictions as provided by rule and regulation of the
36 secretary.

37 (c) The provisions of this section shall not be construed to prevent:

38 (1) Any person from taking starlings or English and European
39 sparrows;

40 (2) owners or legal occupants of land from killing any animals when
41 found in or near buildings on their premises or when destroying property,
42 subject to the following: (A) The provisions of all federal laws and
43 regulations governing protected species and the provisions of K.S.A. 32-

1 957 through 32-963, and amendments thereto, and rules and regulations
 2 adopted thereunder; (B) it is unlawful to use, or possess with intent to use,
 3 any such animal so killed unless authorized by rules and regulations of the
 4 secretary; and (C) such owners or legal occupants shall make reasonable
 5 efforts to alleviate their problems with any such animals before killing
 6 them;

7 ~~(3) any person who is licensed under the personal and family~~
 8 ~~protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from~~
 9 ~~exercising the right to carry a concealed handgun while lawfully hunting,~~
 10 ~~fishing or furharvesting;~~

11 ~~(4)~~ any person who lawfully possesses a handgun from carrying such
 12 handgun, *whether concealed or openly carried*, while lawfully hunting,
 13 fishing or furharvesting; or

14 ~~(5)~~ (4) any person who lawfully possesses a device or attachment of
 15 any kind designed, used or intended for use in suppressing the report of
 16 any firearm from using such device or attachment in conjunction with
 17 lawful hunting, fishing or furharvesting.

18 (d) Any person convicted of violating provisions of this section shall
 19 be subject to the penalties prescribed in K.S.A. 32-1031, and amendments
 20 thereto, except as provided in K.S.A. 32-1032, and amendments thereto,
 21 relating to big game and wild turkey.

22 Sec. 7. K.S.A. 2014 Supp. 75-7c01 is hereby amended to read as
 23 follows: 75-7c01. K.S.A. 2014 Supp. 75-7c01 through ~~75-7c19~~ 75-7c23,
 24 and amendments thereto, shall be known and may be cited as the personal
 25 and family protection act.

26 Sec. 8. K.S.A. 2014 Supp. 75-7c03 is hereby amended to read as
 27 follows: 75-7c03. (a) The attorney general shall issue licenses to carry
 28 concealed handguns to persons who comply with the application and
 29 training requirements of this act and who are not disqualified under K.S.A.
 30 2014 Supp. 75-7c04, and amendments thereto. Such licenses shall be valid
 31 throughout the state for a period of four years from the date of issuance.
 32 *The availability of licenses to carry concealed handguns under this act*
 33 *shall not be construed to impose a general prohibition on the carrying of*
 34 *handguns without such license, whether carried openly or concealed, or*
 35 *loaded or unloaded.*

36 (b) The license shall be a separate card, in a form prescribed by the
 37 attorney general, that is approximately the size of a Kansas driver's license
 38 and shall bear the licensee's signature, name, address, date of birth and
 39 driver's license number or nondriver's identification card number except
 40 that the attorney general shall assign a unique number for military
 41 applicants or their dependents described in ~~subsection (a)(1)(B) of~~ K.S.A.
 42 2014 Supp. 75-7c05(a)(1)(B), and amendments thereto. ~~At all times when~~
 43 ~~the licensee is in actual possession of a concealed handgun, the licensee~~

1 shall carry the valid license to carry concealed handguns. On demand of a
2 law enforcement officer, the licensee shall display the license to carry
3 concealed handguns and proper identification. Verification by a law
4 enforcement officer that a person holds a valid license to carry a concealed
5 handgun may be accomplished by record check using the person's driver's
6 license information or the person's concealed carry license number.

7 The license of any person who violates the provisions of this subsection
8 shall be suspended for not less than 30 days upon the first violation and
9 shall be revoked for not less than five years upon a second or subsequent
10 violation. However, a violation of this subsection shall not constitute a
11 violation of subsection (a)(4) of K.S.A. 21-4201, prior to its repeal, or
12 subsection (a)(4) of K.S.A. 2014 Supp. 21-6302, and amendments thereto,
13 if the licensee's license is valid.

14 (c)(1) Subject to the provisions of subsection (c)(2), a valid license or
15 permit to carry concealed weapons, issued by another jurisdiction, shall be
16 recognized by this state, but only while the holder is not a resident of
17 Kansas.

18 (2) A valid license or permit that is recognized by this subsection, and
19 a 180-day receipt that has been issued in accordance with this section,
20 shall only entitle the lawful holder thereof to carry concealed handguns, as
21 defined by K.S.A. 2014 Supp. 75-7c02, and amendments thereto, in this
22 state and the holder thereof shall otherwise act in accordance with the laws
23 of this state while such holder is present in this state.

24 (d) The attorney general shall issue a 180-day receipt to a person
25 who:

26 (1) Establishes residency in this state on and after July 1, 2010;

27 (2) except as provided in subsection (c), submits an application for
28 licensure under this act in accordance with subsection (b) of K.S.A. 2014
29 Supp. 75-7c05, and amendments thereto; and

30 (3) submits with such person's application for licensure a photocopy
31 of a valid license or permit to carry concealed handguns issued by another
32 jurisdiction.

33 (e) Prior to the expiration of the 180-day receipt, an applicant for
34 licensure under this section shall submit proof of training to the attorney
35 general which was:

36 (1) Completed in accordance with subsection (b)(1) of K.S.A. 2014
37 Supp. 75-7c04, and amendments thereto; or

38 (2) utilized to obtain the applicant's license or permit from another
39 jurisdiction and the attorney general determines that such prior training is
40 equal to or greater than the training standards required by this act.

41 Submission of an applicant's proof of training under this subsection is
42 considered complete on the date the proof of training is either hand-
43 delivered to the attorney general or, if sent by mail, on the date the mailing

1 is postmarked:

2 ~~(f) (1) Except as provided in subsection (f)(3), an applicant for~~
3 ~~licensure under this section may continue to carry concealed handguns in~~
4 ~~this state upon receiving a 180-day receipt issued by the attorney general.~~

5 ~~(2) At all times when the applicant is carrying a concealed handgun,~~
6 ~~the applicant shall carry: (A) Such applicant's valid license or permit from~~
7 ~~another jurisdiction; and (B) the 180-day receipt issued by the attorney~~
8 ~~general.~~

9 ~~(3) An applicant whose concealed carry license or permit from~~
10 ~~another jurisdiction becomes invalid prior to the expiration of the attorney~~
11 ~~general's 180-day receipt may not carry concealed handguns unless~~
12 ~~otherwise allowed by law.~~

13 ~~(g) The attorney general may:~~

14 ~~(1) Create a list of concealed carry handgun licenses or permits issued~~
15 ~~by other jurisdictions which the attorney general finds have training~~
16 ~~requirements that are equal to or greater than those of this state and will~~
17 ~~automatically qualify for recognition under this section; and~~

18 ~~(2) review each application received under this section to determine if~~
19 ~~the applicant's previous training qualifications were equal to or greater~~
20 ~~than those of this state.~~

21 ~~(h) (1) Prior to the expiration of the applicant's 180-day receipt, the~~
22 ~~attorney general shall either approve or deny an application under this~~
23 ~~section.~~

24 ~~(2) Upon successful review of a background check in accordance~~
25 ~~with K.S.A. 2014 Supp. 75-7e05, and amendments thereto, and upon~~
26 ~~receipt of all required documentation and moneys outlined in this section,~~
27 ~~the attorney general shall approve an application received under this~~
28 ~~section.~~

29 ~~(3) If an applicant under this section is disqualified under the~~
30 ~~provisions of K.S.A. 2014 Supp. 75-7e04, and amendments thereto, or~~
31 ~~fails to submit sufficient proof of training, the attorney general shall deny~~
32 ~~the application in accordance with K.S.A. 2014 Supp. 75-7e07, and~~
33 ~~amendments thereto.~~

34 ~~(i) For the purposes of this section:~~

35 ~~(1) "Equal to or greater than" means the applicant's prior training~~
36 ~~meets or exceeds the training established in this act by having required, at~~
37 ~~a minimum, the applicant to: (A) Receive instruction on the laws of self-~~
38 ~~defense; and (B) demonstrate training and competency in the safe~~
39 ~~handling, storage and actual firing of handguns.~~

40 ~~(2) "Jurisdiction" means another state or the District of Columbia.~~

41 ~~(3) "Valid license or permit" means a concealed carry handgun license~~
42 ~~or permit from another jurisdiction which has not expired and, except for~~
43 ~~any residency requirement of the issuing jurisdiction, is currently in good~~

1 ~~standing.~~

2 Sec. 9. K.S.A. 2014 Supp. 75-7c04 is hereby amended to read as
3 follows: 75-7c04. (a) The attorney general shall not issue a license
4 pursuant to this act if the applicant:

5 (1) Is not a resident of the county where application for licensure is
6 made or is not a resident of the state;

7 (2) is prohibited from shipping, transporting, possessing or receiving
8 a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments
9 thereto, or K.S.A. 21-4204, prior to its repeal, or ~~subsections (a)(10)~~
10 ~~through (a)(13) of K.S.A. 2014 Supp. 21-6301(a)(10) through (a)(13) or~~
11 ~~subsections (a)(1) through (a)(3) of K.S.A. 2014 Supp. 21-6304(a)(1)~~
12 ~~through (a)(3), and amendments thereto;~~

13 (3) has been convicted of or was adjudicated a juvenile offender
14 because of the commission of an act which if done by an adult would
15 constitute the commission of any of the offenses described in ~~subsections~~
16 ~~(a)(1) and (a)(3)(A) of K.S.A. 2014 Supp. 21-6304(a)(1) and (a)(3), and~~
17 ~~amendments thereto; or~~

18 (4) is less than 21 years of age.

19 (b) (1) The attorney general shall adopt rules and regulations
20 establishing procedures and standards as authorized by this act for an
21 eight-hour handgun safety and training course required by this section.
22 Such standards shall include: (A) A requirement that trainees receive
23 training in the safe storage of handguns, actual firing of handguns and
24 instruction in the laws of this state governing the carrying of concealed
25 handguns and the use of deadly force; (B) general guidelines for courses
26 which are compatible with the industry standard for basic handgun training
27 for civilians; (C) qualifications of instructors; and (D) a requirement that
28 the course be: (i) A handgun course certified or sponsored by the attorney
29 general; or (ii) a handgun course certified or sponsored by the national
30 rifle association or by a law enforcement agency, college, private or public
31 institution or organization or handgun training school, if the attorney
32 general determines that such course meets or exceeds the standards
33 required by rules and regulations adopted by the attorney general and is
34 taught by instructors certified by the attorney general or by the national
35 rifle association, if the attorney general determines that the requirements
36 for certification of instructors by such association meet or exceed the
37 standards required by rules and regulations adopted by the attorney
38 general. Any person wanting to be certified by the attorney general as an
39 instructor shall submit to the attorney general an application in the form
40 required by the attorney general and a fee not to exceed \$150.

41 (2) The cost of the handgun safety and training course required by
42 this section shall be paid by the applicant. The following shall constitute
43 satisfactory evidence of satisfactory completion of an approved handgun

1 safety and training course:

2 (A) Evidence of completion of the course, in the form provided by
3 rules and regulations adopted by the attorney general;

4 (B) an affidavit from the instructor, school, club, organization or
5 group that conducted or taught such course attesting to the completion of
6 the course by the applicant; or

7 (C) a determination by the attorney general pursuant to subsection ~~(d)~~
8 ~~of K.S.A. 2014 Supp. 75-7c03, and amendments thereto~~ (c).

9 (c) *The attorney general may:*

10 (1) *Create a list of concealed carry handgun licenses or permits*
11 *issued by other jurisdictions which the attorney general finds have*
12 *training requirements that are equal to or greater than those of this state;*
13 *and*

14 (2) *review each application received pursuant to K.S.A. 2014 Supp.*
15 *75-7c05, and amendments thereto, to determine if the applicant's previous*
16 *training qualifications were equal to or greater than those of this state.*

17 (d) *For the purposes of this section:*

18 (1) *"Equal to or greater than" means the applicant's prior training*
19 *meets or exceeds the training established in this section by having*
20 *required, at a minimum, the applicant to: (A) Receive instruction on the*
21 *laws of self-defense; and (B) demonstrate training and competency in the*
22 *safe handling, storage and actual firing of handguns.*

23 (2) *"Jurisdiction" means another state or the District of Columbia.*

24 (3) *"License or permit" means a concealed carry handgun license or*
25 *permit from another jurisdiction which has not expired and, except for any*
26 *residency requirement of the issuing jurisdiction, is currently in good*
27 *standing.*

28 Sec. 10. K.S.A. 2014 Supp. 75-7c05 is hereby amended to read as
29 follows: 75-7c05. (a) The application for a license pursuant to this act shall
30 be completed, under oath, on a form prescribed by the attorney general and
31 shall only include:

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

42 (2) a statement that the applicant is in compliance with criteria
43 contained within K.S.A. 2014 Supp. 75-7c04, and amendments thereto;

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

3 (4) a conspicuous warning that the application is executed under oath
4 and that a false answer to any question, or the submission of any false
5 document by the applicant, subjects the applicant to criminal prosecution
6 under K.S.A. 2014 Supp. 21-5903, and amendments thereto; and

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

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

11 (1) A completed application described in subsection (a);

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

18 (3) if applicable, a photocopy of the proof of training required by
19 ~~subsection (d) of~~ K.S.A. 2014 Supp. ~~75-7e03~~ 75-7c04(b)(1), and
20 amendments thereto; and

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

23 (c) (1) The sheriff, upon receipt of the items listed in subsection (b) ~~of~~
24 ~~this section~~, shall provide for the full set of fingerprints of the applicant to
25 be taken and forwarded to the attorney general for purposes of a criminal
26 history records check as provided by subsection (d). In addition, the sheriff
27 shall forward to the attorney general the application and the portion of the
28 original license fee which is payable to the attorney general. The cost of
29 taking such fingerprints shall be included in the portion of the fee retained
30 by the sheriff. Notwithstanding anything in this section to the contrary, an
31 applicant shall not be required to submit fingerprints for a renewal
32 application under K.S.A. 2014 Supp. 75-7c08, and amendments thereto.

33 (2) The sheriff of the applicant's county of residence or the chief law
34 enforcement officer of any law enforcement agency, at the sheriff's or chief
35 law enforcement officer's discretion, may participate in the process by
36 submitting a voluntary report to the attorney general containing readily
37 discoverable information, corroborated through public records, which,
38 when combined with another enumerated factor, establishes that the
39 applicant poses a significantly greater threat to law enforcement or the
40 public at large than the average citizen. Any such voluntary reporting shall
41 be made within 45 days after the date the sheriff receives the application.
42 Any sheriff or chief law enforcement officer submitting a voluntary report
43 shall not incur any civil or criminal liability as the result of the good faith

1 submission of such report.

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

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

15 ~~(e) Except as provided in K.S.A. 2014 Supp. 75-7c03, and~~
16 ~~amendments thereto,~~ Within 90 days after the date of receipt of the items
17 listed in subsection (b), the attorney general shall:

18 (1) Issue the license and certify the issuance to the department of
19 revenue; or

20 (2) deny the application based solely on: (A) The report submitted by
21 the sheriff or other chief law enforcement officer under subsection (c)(2)
22 for good cause shown therein; or (B) the ground that the applicant is
23 disqualified under the criteria listed in K.S.A. 2014 Supp. 75-7c04, and
24 amendments thereto. If the attorney general denies the application, the
25 attorney general shall notify the applicant in writing, stating the ground for
26 denial and informing the applicant the opportunity for a hearing pursuant
27 to the Kansas administrative procedure act.

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

32 (g) (1) A person who is a retired law enforcement officer, as defined
33 in K.S.A. 2014 Supp. 21-5111, and amendments thereto, shall be: (A)
34 Required to pay an original license fee as provided in subsection (b)(2), to
35 be forwarded by the sheriff to the attorney general; (B) exempt from the
36 required completion of a handgun safety and training course if such person
37 was certified by the Kansas commission on peace officer's standards and
38 training, or similar body from another jurisdiction, not more than eight
39 years prior to submission of the application; (C) required to pay the license
40 renewal fee; (D) required to pay to the department of revenue the fees
41 required by subsection (f); and (E) required to comply with the criminal
42 history records check requirement of this section.

43 (2) Proof of retirement as a law enforcement officer shall be required

1 and provided to the attorney general in the form of a letter from the agency
2 head, or their designee, of the officer's retiring agency that attests to the
3 officer having retired in good standing from that agency as a law
4 enforcement officer for reasons other than mental instability and that the
5 officer has a nonforfeitable right to benefits under a retirement plan of the
6 agency.

7 (h) A person who is a corrections officer, a parole officer or a
8 corrections officer employed by the federal bureau of prisons, as defined
9 by K.S.A. 75-5202, and amendments thereto, shall be: (1) Required to pay
10 an original license fee as provided in subsection (b)(2); (2) exempt from
11 the required completion of a handgun safety and training course if such
12 person was issued a certificate of firearms training by the department of
13 corrections or the federal bureau of prisons or similar body not more than
14 one year prior to submission of the application; (3) required to pay the
15 license renewal fee; (4) required to pay to the department of revenue the
16 fees required by subsection (f); and (5) required to comply with the
17 criminal history records check requirement of this section.

18 Sec. 11. K.S.A. 2014 Supp. 75-7c10 is hereby amended to read as
19 follows: 75-7c10. Subject to the provisions of K.S.A. 2014 Supp. 75-7c20,
20 and amendments thereto:

21 (a) ~~Provided that the building is conspicuously posted in accordance~~
22 ~~with rules and regulations adopted by the attorney general as a building~~
23 ~~where carrying a concealed handgun is prohibited, no license issued~~
24 ~~pursuant to or recognized by this act shall authorize the licensee to carry a~~
25 ~~concealed handgun into any building~~ *The carrying of a concealed*
26 *handgun shall not be prohibited in any building unless such building is*
27 *conspicuously posted in accordance with rules and regulations adopted by*
28 *the attorney general.*

29 (b) Nothing in this act shall be construed to prevent:

30 (1) Any public or private employer from restricting or prohibiting by
31 personnel policies persons ~~licensed under this act~~ from carrying a
32 concealed handgun while on the premises of the employer's business or
33 while engaged in the duties of the person's employment by the employer,
34 except that no employer may prohibit possession of a handgun in a private
35 means of conveyance, even if parked on the employer's premises; or

36 (2) any private business or city, county or political subdivision from
37 restricting or prohibiting persons ~~licensed or recognized under this act~~
38 from carrying a concealed handgun within a building or buildings of such
39 entity, provided that the building is posted in accordance with rules and
40 regulations adopted by the attorney general pursuant to subsection ~~(h)~~ (i),
41 as a building where carrying a concealed handgun is prohibited.

42 (c) (1) Any private entity which provides adequate security measures
43 in a private building and which conspicuously posts signage in accordance

1 with this section prohibiting the carrying of a concealed handgun in such
2 building ~~as authorized by the personal and family protection act~~ shall not
3 be liable for any wrongful act or omission relating to actions of persons
4 ~~licensed to carry~~ *carrying* a concealed handgun concerning acts or
5 omissions regarding such handguns.

6 (2) Any private entity which does not provide adequate security
7 measures in a private building and which allows the carrying of a
8 concealed handgun ~~as authorized by the personal and family protection act~~
9 shall not be liable for any wrongful act or omission relating to actions of
10 persons ~~licensed to carry~~ *carrying* a concealed handgun concerning acts or
11 omissions regarding such handguns.

12 (3) Nothing in this act shall be deemed to increase the liability of any
13 private entity where liability would have existed under the personal and
14 family protection act prior to the effective date of this act.

15 (d) The governing body or the chief administrative officer, if no
16 governing body exists, of any of the following institutions may permit any
17 employee, ~~who is licensed to carry a concealed handgun as authorized by~~
18 ~~the provisions of K.S.A. 2014 Supp. 75-7e01 et seq., and amendments~~
19 ~~thereto~~, to carry a concealed handgun in any building of such institution, if
20 the employee meets such institution's own policy requirements regardless
21 of whether such building is conspicuously posted in accordance with the
22 provisions of this section:

23 (1) A unified school district;

24 (2) a postsecondary educational institution, as defined in K.S.A. 74-
25 3201b, and amendments thereto;

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

28 (4) a state or municipal-owned adult care home, as defined in K.S.A.
29 39-923, and amendments thereto;

30 (5) a community mental health center organized pursuant to K.S.A.
31 19-4001 et seq., and amendments thereto; or

32 (6) an indigent health care clinic, as defined by K.S.A. 2014 Supp.
33 65-7402, and amendments thereto.

34 (e) (1) It shall be a violation of this section to carry a concealed
35 handgun in violation of any restriction or prohibition allowed by
36 subsection (a) or (b) if the building is posted in accordance with rules and
37 regulations adopted by the attorney general pursuant to subsection ~~(h)~~ (i).
38 Any person who violates this section shall not be subject to a criminal
39 penalty but may be subject to denial to such premises or removal from
40 such premises.

41 (2) Notwithstanding the provisions of subsection (a) or (b), it is not a
42 violation of this section for the United States attorney for the district of
43 Kansas, the attorney general, any district attorney or county attorney, any

1 assistant United States attorney if authorized by the United States attorney
2 for the district of Kansas, any assistant attorney general if authorized by
3 the attorney general, or any assistant district attorney or assistant county
4 attorney if authorized by the district attorney or county attorney by whom
5 such assistant is employed, to possess a handgun within any of the
6 buildings described in subsection (a) or (b), subject to any restrictions or
7 prohibitions imposed in any courtroom by the chief judge of the judicial
8 district. ~~The provisions of this paragraph shall not apply to any person who
9 is not in compliance with K.S.A. 2014 Supp. 75-7c19, and amendments
10 thereto.~~

11 (3) Notwithstanding the provisions of subsection (a) or (b), it is not a
12 violation of this section for a law enforcement officer, as that term is
13 defined in K.S.A. 2014 Supp. 75-7c22, and amendments thereto, who
14 satisfies the requirements of either ~~subsection (a) or (b) of K.S.A. 2014~~
15 ~~Supp. 75-7c22(a) or (b)~~, and amendments thereto, to possess a handgun
16 within any of the buildings described in subsection (a) or (b), subject to
17 any restrictions or prohibitions imposed in any courtroom by the chief
18 judge of the judicial district.

19 (f) ~~On and after July 1, 2014, provided that the provisions of K.S.A.~~
20 ~~2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
21 ~~the provisions of this section shall not apply to the carrying of a concealed~~
22 ~~handgun in the state capitol.~~

23 (g) For the purposes of this section:

24 (1) "Adequate security measures" shall have the same meaning as the
25 term is defined in K.S.A. 2014 Supp. 75-7c20, and amendments thereto;

26 (2) "building" shall not include any structure, or any area of any
27 structure, designated for the parking of motor vehicles.

28 (h) Nothing in this act shall be construed to authorize the carrying or
29 possession of a handgun where prohibited by federal law.

30 (i) The attorney general shall adopt rules and regulations prescribing
31 the location, content, size and other characteristics of signs to be posted on
32 a building where carrying a concealed handgun is prohibited pursuant to
33 subsections (a) and (b). Such regulations shall prescribe, at a minimum,
34 that:

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

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

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

40 (4) signs which become illegible for any reason be immediately
41 replaced.

42 Sec. 12. K.S.A. 2014 Supp. 75-7c17 is hereby amended to read as
43 follows: 75-7c17. (a) The legislature finds as a matter of public policy and

1 fact that it is necessary to provide statewide uniform standards for issuing
2 licenses to carry concealed handguns for self-defense and finds it
3 necessary to occupy the field of regulation of the bearing of concealed
4 handguns for self-defense to ensure that no honest, law-abiding person
5 who qualifies under the provisions of this act is subjectively or arbitrarily
6 denied the person's rights. No city, county or other political subdivision of
7 this state shall regulate, restrict or prohibit the carrying of concealed
8 handguns by ~~persons licensed under this act~~ *individuals* except as provided
9 in K.S.A. 2014 Supp. 21-6301, 21-6302, 21-6304, 21-6309, 75-7c10 or
10 75-7c20, and amendments thereto, ~~and in subsection (b) of K.S.A. 2014~~
11 ~~Supp. 75-7c10, and amendments thereto, and subsection (f) of~~ or K.S.A.
12 21-4218(f), prior to its repeal, ~~or subsection (e) of K.S.A. 2014 Supp. 21-~~
13 ~~6309, and amendments thereto.~~ Any existing or future law, ordinance, rule,
14 regulation or resolution enacted by any city, county or other political
15 subdivision of this state that regulates, restricts or prohibits the carrying of
16 concealed handguns by ~~persons licensed under this act~~ *individuals* except
17 as provided in K.S.A. 2014 Supp. 21-6301, 21-6302, 21-6304, 21-6309,
18 75-7c10 or 75-7c20, and amendments thereto, ~~and in subsection (b) of~~
19 ~~K.S.A. 2014 Supp. 75-7c10, and amendments thereto, and subsection (f)~~
20 ~~of or K.S.A. 21-4218(f), prior to its repeal, or subsection (e) of K.S.A.~~
21 ~~2014 Supp. 21-6309, and amendments thereto,~~ shall be null and void.

22 (b) Prosecution of any person ~~licensed under the personal and family~~
23 ~~protection act, and amendments thereto, for violating any restrictions on~~
24 ~~licensees will~~ shall be done through the district court.

25 (c) The legislature does not delegate to the attorney general the
26 authority to regulate or restrict the issuing of licenses provided for in this
27 act, beyond those provisions of this act pertaining to licensing and training.
28 Subjective or arbitrary actions or rules and regulations which encumber
29 the issuing process by placing burdens on the applicant beyond those
30 sworn statements and specified documents detailed in this act or which
31 create restrictions beyond those specified in this act are in conflict with the
32 intent of this act and are prohibited.

33 (d) This act shall be liberally construed. This act is supplemental and
34 additional to existing constitutional rights to bear arms and nothing in this
35 act shall impair or diminish such rights.

36 Sec. 13. K.S.A. 2014 Supp. 75-7c20 is hereby amended to read as
37 follows: 75-7c20. (a) The carrying of a concealed handgun ~~as authorized~~
38 ~~by the personal and family protection act~~ shall not be prohibited in any
39 state or municipal building unless such building has adequate security
40 measures to ensure that no weapons are permitted to be carried into such
41 building and the building is conspicuously posted in accordance with
42 K.S.A. 2014 Supp. 75-7c10, and amendments thereto.

43 (b) Any state or municipal building which contains both public access

1 entrances and restricted access entrances shall provide adequate security
2 measures at the public access entrances in order to prohibit the carrying of
3 any weapons into such building.

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

10 (d) It shall not be a violation of the personal and family protection act
11 for a person to carry a concealed handgun into a state or municipal
12 building so long as that person is ~~licensed to carry a concealed handgun~~
13 ~~under the provisions of the personal and family protection act~~ and has
14 authority to enter through a restricted access entrance into such building
15 which provides adequate security measures and the building is
16 conspicuously posted in accordance with K.S.A. 2014 Supp. 75-7c10, and
17 amendments thereto.

18 (e) A state agency or municipality which provides adequate security
19 measures in a state or municipal building and which conspicuously posts
20 signage in accordance with K.S.A. 2014 Supp. 75-7c10, and amendments
21 thereto, prohibiting the carrying of a concealed handgun in such building,
22 ~~as authorized by the personal and family protection act, such state agency~~
23 ~~or municipality~~ shall not be liable for any wrongful act or omission
24 relating to actions of persons ~~licensed to carry~~ *carrying* a concealed
25 handgun concerning acts or omissions regarding such handguns.

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

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

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

43 (i) The governing body or the chief administrative officer, if no

1 governing body exists, of a state or municipal building, may exempt the
2 building from this section until January 1, 2014, by notifying the Kansas
3 attorney general and the law enforcement agency of the local jurisdiction
4 by letter of such exemption. Thereafter, such governing body or chief
5 administrative officer may exempt a state or municipal building for a
6 period of only four years by adopting a resolution, or drafting a letter,
7 listing the legal description of such building, listing the reasons for such
8 exemption, and including the following statement: "A security plan has
9 been developed for the building being exempted which supplies adequate
10 security to the occupants of the building and merits the prohibition of the
11 carrying of a concealed handgun ~~as authorized by the personal and family~~
12 ~~protection act.~~" A copy of the security plan for the building shall be
13 maintained on file and shall be made available, upon request, to the
14 Kansas attorney general and the law enforcement agency of local
15 jurisdiction. Notice of this exemption, together with the resolution adopted
16 or the letter drafted, shall be sent to the Kansas attorney general and to the
17 law enforcement agency of local jurisdiction. The security plan shall not
18 be subject to disclosure under the Kansas open records act.

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

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

26 (2) a state or municipal-owned adult care home, as defined in K.S.A.
27 39-923, and amendments thereto;

28 (3) a community mental health center organized pursuant to K.S.A.
29 19-4001 et seq., and amendments thereto;

30 (4) an indigent health care clinic, as defined by K.S.A. 2014 Supp.
31 65-7402, and amendments thereto; or

32 (5) a postsecondary educational institution, as defined in K.S.A. 74-
33 3201b, and amendments thereto, including any buildings located on the
34 grounds of such institution and any buildings leased by such institution.

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

38 (l) Nothing in this section shall be construed to prohibit any law
39 enforcement officer, as defined in K.S.A. 2014 Supp. 75-7c22, and
40 amendments thereto, who satisfies the requirements of either ~~subsection~~
41 ~~(a) or (b) of K.S.A. 2014 Supp. 75-7c22(a) or (b)~~, and amendments
42 thereto, from carrying a concealed handgun into any state or municipal
43 building in accordance with the provisions of K.S.A. 2014 Supp. 75-7c22,

1 and amendments thereto, subject to any restrictions or prohibitions
2 imposed in any courtroom by the chief judge of the judicial district.

3 (m) For purposes of this section:

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

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

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

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

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

26 (B) On and after July 1, 2014, ~~provided that the provisions of K.S.A.~~
27 ~~2014 Supp. 75-7c21, and amendments thereto, are in full force and effect,~~
28 the term "state and municipal building" shall not include the state capitol.

29 (6) "Weapon" means a weapon described in K.S.A. 2014 Supp. 21-
30 6301, and amendments thereto, except the term "weapon" shall not include
31 any cutting instrument that has a sharpened or pointed blade.

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

34 Sec. 14. K.S.A. 2014 Supp. 75-7c21 is hereby amended to read as
35 follows: 75-7c21. (a) ~~A license issued under K.S.A. 2014 Supp. 75-7c01 et~~
36 ~~seq., and amendments thereto, shall authorize the licensee to~~ *An individual*
37 *may carry a concealed handgun in the state capitol in accordance with the*
38 ~~provisions of K.S.A. 2014 Supp. 75-7c01 et seq., and amendments thereto,~~
39 *provided such individual is not prohibited from possessing a firearm under*
40 *either federal or state law.*

41 (b) ~~The provisions of this section shall take effect and be in force~~
42 ~~from and after July 1, 2014, unless the legislative coordinating council~~
43 ~~determines that on July 1, 2014, the state capitol does have adequate~~

1 ~~security measures, as that term is defined in K.S.A. 2014 Supp. 75-7c20,~~
2 ~~and amendments thereto, to ensure that no weapons are permitted to be~~
3 ~~carried into the state capitol. Such determination shall be made on or after~~
4 ~~June 1, 2014, but no later than July 1, 2014.~~

5 (e) This section shall be a part of and supplemental to the personal
6 and family protection act.

7 Sec. 15. K.S.A. 2014 Supp. 21-5914, 21-6301, 21-6302, 21-6308, 21-
8 6309, 32-1002, 75-7c01, 75-7c03, 75-7c04, 75-7c05, 75-7c10, 75-7c17,
9 75-7c19, 75-7c20 and 75-7c21 are hereby repealed.

10 Sec. 16. This act shall take effect and be in force from and after its
11 publication in the statute book.