

HOUSE BILL No. 2140

By Representatives Highberger, Carlin, Clayton, Curtis, Day, Featherston,
Helgerson, Kuether, S. Ruiz and Woodard

1-26

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; prohibiting the carrying of concealed handguns in the
3 state capitol; amending K.S.A. 75-7c21 and K.S.A. 2020 Supp. 21-
4 6309 and repealing the existing sections.

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

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

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

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

22 (c) This section shall not apply to:

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

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

- 32 (1) The governor, the governor's immediate family, or specifically
33 authorized guest of the governor to possess a firearm within the governor's
34 residence or on the grounds of or in any building on the grounds of the
35 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 such individual is not in possession of a concealed*
 16 *handgun in the state capitol in violation of K.S.A. 75-7c21, and*
 17 *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 as the~~
 34 ~~term is means the same as~~ 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 *defined* in K.S.A. 75-4514,
 40 and 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. 75-7c21 is hereby amended to read as follows: 75-
2 7c21. (a) ~~An~~ No individual ~~may shall~~ carry a concealed handgun in the
3 state capitol, ~~provided such individual is not prohibited from possessing a~~
4 ~~firearm under either federal or state law except that an individual may~~
5 *possess a handgun in a private means of conveyance located in any*
6 *structure connected to the state capitol, or any area of such structure,*
7 *designated for the parking of motor vehicles.*

8 (b) *This section shall not apply to:*

9 (1) *A commissioned law enforcement officer;*

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

12 (3) *a law enforcement officer, as defined in K.S.A. 75-7c22, and*
13 *amendments thereto, who satisfies the requirements of either K.S.A. 75-*
14 *7c22(a) or (b), and amendments thereto;*

15 (4) *any person summoned by any such officer to assist in making*
16 *arrests or preserving the peace while actually engaged in assisting such*
17 *officer; or*

18 (5) *a member of the military of this state or the United States*
19 *engaged in the performance of duties.*

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

22 Sec. 3. K.S.A. 75-7c21 and K.S.A. 2020 Supp. 21-6309 are hereby
23 repealed.

24 Sec. 4. This act shall take effect and be in force from and after its
25 publication in the statute book.