

HOUSE BILL No. 2042

By Committee on Federal and State Affairs

1-12

1 AN ACT concerning firearms; relating to the personal and family
2 protection act; **{relating to eligibility for a license;}** relating to the
3 recognition of licenses issued by another jurisdiction; relating to
4 confidentiality of licensure documents; **{relating to possession of**
5 **concealed handguns in postsecondary educational institutions;}**
6 amending K.S.A. 2016 {2017} Supp. {21-6302,} 75-7c03 ~~and~~, 75-
7 7c04,} 75-7c06 and **{75-7c20 and}** repealing the existing sections.

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

10 Section 1. K.S.A. 2016 {2017} Supp. 75-7c03 is hereby amended to
11 read as follows: 75-7c03. (a) The attorney general shall issue licenses to
12 carry concealed handguns to persons who comply with the application and
13 training requirements of this act and who are not disqualified under K.S.A.
14 2016 {2017} Supp. 75-7c04, and amendments thereto. Such licenses shall
15 be valid throughout the state for a period of four years from the date of
16 issuance. The availability of licenses to carry concealed handguns under
17 this act shall not be construed to impose a general prohibition on the
18 carrying of handguns without such license, whether carried openly or
19 concealed, or loaded or unloaded.

20 (b) The license shall be a separate card, in a form prescribed by the
21 attorney general, that is approximately the size of a Kansas driver's license
22 and shall bear the licensee's signature, name, address, date of birth and
23 driver's license number or nondriver's identification card number except
24 that the attorney general shall assign a unique number for military
25 applicants or their dependents described in K.S.A. 2016 {2017} Supp. 75-
26 7c05(a)(1)(B), and amendments thereto.

27 (c) (1) *Subject to the provisions of subsection (c)(2), a valid license*
28 *or permit to carry concealed weapons issued by another jurisdiction shall*
29 *be recognized in this state, but only while the holder is not a resident of*
30 *Kansas.*

31 (2) *A valid license or permit that is recognized pursuant to this*
32 *subsection shall only entitle the lawful holder thereof to carry concealed*
33 *handguns, as defined by K.S.A. 2016 {2017} Supp. 75-7c02, and*
34 *amendments thereto, in this state and the holder thereof shall otherwise*
35 *act in accordance with the laws of this state while such holder is present in*
36 *this state. The recognition of a license or permit pursuant to this*

1 *subsection shall not be construed to impose a general prohibition on the*
2 *carrying of handguns without such license, whether carried openly or*
3 *concealed, or loaded or unloaded.*

4 (3) *As used in this subsection, the terms "jurisdiction" and "license or*
5 *permit" shall have the same meanings as provided in K.S.A. ~~2016~~ {2017}*
6 *Supp. 75-7c04, and amendments thereto.*

7 Sec. 2. K.S.A. ~~2016~~ {2017} Supp. 75-7c06 is hereby amended to read
8 as follows: 75-7c06. (a) The attorney general shall be the official custodian
9 of all records relating to licenses issued pursuant to the personal and
10 family protection act.

11 (b) Except as provided by subsections (c) and (d), records relating to
12 persons issued licenses pursuant to this act, persons applying for licenses
13 pursuant to this act or persons who have had a license denied pursuant to
14 this act shall be confidential and shall not be disclosed pursuant to the
15 Kansas open records act. Any disclosure of a record in violation of this
16 subsection is a class A misdemeanor. *The provisions of this subsection*
17 *shall apply to the office of the attorney general, the department of revenue,*
18 *any sheriff's office or other law enforcement agency, and all employees,*
19 *contractors and agents thereof, and any other agency, office, department*
20 *or other governmental entity, and all employees, contractors and agents*
21 *thereof, having access to or otherwise privy to any of the records*
22 *described in this subsection.*

23 (c) Records of a person whose license has been suspended or revoked
24 pursuant to this act shall be subject to public inspection in accordance with
25 the open records act.

26 (d) The attorney general shall maintain an automated listing of license
27 holders and pertinent information, and such information shall be available
28 at all times to all law enforcement agencies in this state, other states and
29 the District of Columbia when requested for a legitimate law enforcement
30 purpose.

31 (e) Within 30 days after the changing of a permanent address, or
32 within 30 days after the discovery that a license has been lost or destroyed,
33 the licensee shall notify the attorney general of such change, loss or
34 destruction. The attorney general, upon notice and opportunity for hearing
35 in accordance with the provisions of the Kansas administrative procedure
36 act, may order a licensee to pay a fine of not more than \$100, or may
37 suspend the licensee's license for not more than 180 days, for failure to
38 notify the attorney general pursuant to the provisions of this subsection.

39 (f) In the event that a concealed handgun license is lost or destroyed,
40 the license shall be automatically invalid, and the person to whom the
41 license was issued, upon payment of \$15 to the attorney general, may
42 obtain a duplicate, or substitute thereof, upon furnishing a notarized
43 statement to the attorney general that such license has been lost or

1 destroyed.

2 **{Sec. 3. K.S.A. 2017 Supp. 21-6302 is hereby amended to read as**
3 **follows: 21-6302. (a) Criminal carrying of a weapon is knowingly**
4 **carrying:**

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

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

8 **(3) on one's person or in any land, water or air vehicle, with**
9 **intent to use the same unlawfully, a tear gas or smoke bomb or**
10 **projector or any object containing a noxious liquid, gas or substance;**
11 **or**

12 **(4) any pistol, revolver or other firearm concealed on one's person**
13 **if such person is under 21 years of age, except when on such person's**
14 **land or in such person's abode or fixed place of business; or**

15 **(5) a shotgun with a barrel less than 18 inches in length or any**
16 **other firearm designed to discharge or capable of discharging**
17 **automatically more than once by a single function of the trigger**
18 **whether the person knows or has reason to know the length of the**
19 **barrel or that the firearm is designed or capable of discharging**
20 **automatically.**

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

22 **(1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson**
23 **misdemeanor; and**

24 **(2) subsection (a)(5) is a severity level 9, nonperson felony.**

25 **(c) Subsection (a) shall not apply to:**

26 **(1) Law enforcement officers, or any person summoned by any**
27 **such officers to assist in making arrests or preserving the peace while**
28 **actually 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**
32 **the 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) Subsection (a)(5) shall not apply to:**

40 **(1) Any person who sells, purchases, possesses or carries a**
41 **firearm, device or attachment which has been rendered unserviceable**
42 **by steel weld in the chamber and marriage weld of the barrel to the**
43 **receiver and which has been registered in the national firearms**

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

5 (2) any person employed by a laboratory which is certified by the
6 United States department of justice, national institute of justice, while
7 actually engaged in the duties of their employment and on the
8 premises of such certified laboratory. Subsection (a)(5) shall not affect
9 the manufacture of, transportation to or sale of weapons to such
10 certified laboratory; or

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

13 (e) *Subsection (a)(4) shall not apply to any person who is carrying a*
14 *concealed handgun and who is licensed by the attorney general to carry a*
15 *concealed handgun under K.S.A. 2017 Supp. 75-7c01, and amendments*
16 *thereto.*

17 (f) As used in this section, "throwing star" means the same as
18 prescribed by K.S.A. 2017 Supp. 21-6301, and amendments thereto.

19 Sec. 4. K.S.A. 2017 Supp. 75-7c04 is hereby amended to read as
20 follows: 75-7c04. (a) The attorney general shall not issue a license
21 pursuant to this act if the applicant:

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

24 (2) is prohibited from shipping, transporting, possessing or
25 receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n),
26 and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or
27 K.S.A. 2017 Supp. 21-6301(a)(10) through (a)(13) or K.S.A. 2017
28 Supp. 21-6304(a)(1) through (a)(3), and amendments thereto; or

29 (3) is less than ~~21~~ 18 years of age.

30 (b) (1) The attorney general shall adopt rules and regulations
31 establishing procedures and standards as authorized by this act for an
32 eight-hour handgun safety and training course required by this
33 section. Such standards shall include: (A) A requirement that trainees
34 receive training in the safe storage of handguns, actual firing of
35 handguns and instruction in the laws of this state governing the
36 carrying of concealed handguns and the use of deadly force; (B)
37 general guidelines for courses which are compatible with the industry
38 standard for basic handgun training for civilians; (C) qualifications of
39 instructors; and (D) a requirement that the course be: (i) A handgun
40 course certified or sponsored by the attorney general; or (ii) a
41 handgun course certified or sponsored by the national rifle association
42 or by a law enforcement agency, college, private or public institution
43 or organization or handgun training school, if the attorney general

1 determines that such course meets or exceeds the standards required
2 by rules and regulations adopted by the attorney general and is taught
3 by instructors certified by the attorney general or by the national rifle
4 association, if the attorney general determines that the requirements
5 for certification of instructors by such association meet or exceed the
6 standards required by rules and regulations adopted by the attorney
7 general. Any person wanting to be certified by the attorney general as
8 an instructor shall submit to the attorney general an application in the
9 form required by the attorney general and a fee not to exceed \$150.

10 (2) The cost of the handgun safety and training course required
11 by this section shall be paid by the applicant. The following shall
12 constitute satisfactory evidence of satisfactory completion of an
13 approved handgun safety and training course:

14 (A) Evidence of completion of a course that satisfies the
15 requirements of subsection (b)(1), in the form provided by rules and
16 regulations adopted by the attorney general;

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

20 (C) evidence of completion of a course offered in another
21 jurisdiction which is determined by the attorney general to have
22 training requirements that are equal to or greater than those required
23 by this act; or

24 (D) a determination by the attorney general pursuant to
25 subsection (c).

26 (c) The attorney general may:

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

31 (2) review each application received pursuant to K.S.A. 2017
32 Supp. 75-7c05, and amendments thereto, to determine if the
33 applicant's previous training qualifications were equal to or greater
34 than those of this state.

35 (d) For the purposes of this section:

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

42 (2) "Jurisdiction" means another state or the District of
43 Columbia.

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

5 Sec. 5. K.S.A. 2017 Supp. 75-7c20 is hereby amended to read as
6 follows: 75-7c20. (a) The carrying of a concealed handgun shall not be
7 prohibited in any public area of any state or municipal building unless
8 such public area has adequate security measures to ensure that no
9 weapons are permitted to be carried into such public area and the
10 public area is conspicuously posted with either permanent or
11 temporary signage approved by the governing body, or the chief
12 administrative officer, if no governing body exists, in accordance with
13 K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

14 (b) The carrying of a concealed handgun shall not be prohibited
15 throughout any state or municipal building in its entirety unless such
16 building has adequate security measures at all public access entrances
17 to ensure that no weapons are permitted to be carried into such
18 building and the building is conspicuously posted in accordance with
19 K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

20 (c) No state agency or municipality shall prohibit an employee
21 from carrying a concealed handgun at the employee's work place
22 unless the building has adequate security measures at all public access
23 entrances to ensure that no weapons are permitted to be carried into
24 such building and the building is conspicuously posted in accordance
25 with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

26 (d) (1) It shall not be a violation of the personal and family
27 protection act for a person to carry a concealed handgun into a state
28 or municipal building, or any public area thereof, so long as that
29 person has authority to enter through a restricted access entrance into
30 such building, or public area thereof, that provides adequate security
31 measures at all public access entrances and the building, or public
32 area thereof, is conspicuously posted in accordance with K.S.A. 2017
33 Supp. 75-7c10, and amendments thereto.

34 (2) Any person, who is not an employee of the state or a
35 municipality and is not otherwise authorized to enter a state or
36 municipal building through a restricted access entrance, shall be
37 authorized to enter through a restricted access entrance, provided
38 such person:

39 (A) Is authorized by the chief law enforcement officer, governing
40 body, or the chief administrative officer, if no governing body exists, to
41 enter such state or municipal building through a restricted access
42 entrance;

43 (B) is issued an identification card by the chief law enforcement

1 officer, governing body, or the chief administrative officer, if no
2 governing body exists, which includes such person's photograph,
3 name and any other identifying information deemed necessary by the
4 issuing entity, and which states on the identification card that such
5 person is authorized to enter such building through a restricted access
6 entrance; and

7 (C) executes an affidavit or other notarized statement that such
8 person acknowledges that certain firearms and weapons may be
9 prohibited in such building and that violating any such regulations
10 may result in the revocation of such person's authority to enter such
11 building through a restricted access entrance.

12 The chief law enforcement officer, governing body, or the chief
13 administrative officer, if no governing body exists, shall develop
14 criteria for approval of individuals subject to this paragraph to enter
15 the state or municipal building through a restricted access entrance.
16 Such criteria may include the requirement that the individual submit
17 to a state and national criminal history records check before issuance
18 and renewal of such authorization and pay a fee to cover the costs of
19 such background checks. An individual who has been issued a
20 concealed carry permit by the state of Kansas shall not be required to
21 submit to another state and national criminal records check before
22 issuance and renewal of such authorization. Notwithstanding any
23 authorization granted under this paragraph, an individual may be
24 subjected to additional security screening measures upon reasonable
25 suspicion or in circumstances where heightened security measures are
26 warranted. Such authorization does not permit the individual to carry
27 a concealed weapon into a public building, which has adequate
28 security measures, as defined by this act, and which is conspicuously
29 posted in accordance with K.S.A. 2017 Supp. 75-7c10, and
30 amendments thereto.

31 (e) A state agency or municipality that provides adequate security
32 measures in a state or municipal building and which conspicuously
33 posts signage in accordance with K.S.A. 2017 Supp. 75-7c10, and
34 amendments thereto, prohibiting the carrying of a concealed handgun
35 in such building shall not be liable for any wrongful act or omission
36 relating to actions of persons carrying a concealed handgun
37 concerning acts or omissions regarding such handguns.

38 (f) A state agency or municipality that does not provide adequate
39 security measures in a state or municipal building and that allows the
40 carrying of a concealed handgun shall not be liable for any wrongful
41 act or omission relating to actions of persons carrying a concealed
42 handgun concerning acts or omissions regarding such handguns.

43 (g) Nothing in this act shall limit the ability of a corrections

1 facility, a jail facility or a law enforcement agency to prohibit the
2 carrying of a handgun or other firearm concealed or unconcealed by
3 any person into any secure area of a building located on such
4 premises, except those areas of such building outside of a secure area
5 and readily accessible to the public shall be subject to the provisions of
6 subsection (a).

7 (h) Nothing in this section shall limit the ability of the chief judge
8 of each judicial district to prohibit the carrying of a concealed
9 handgun by any person into courtrooms or ancillary courtrooms
10 within the district provided the public area has adequate security
11 measures to ensure that no weapons are permitted to be carried into
12 such public area and the public area is conspicuously posted in
13 accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.

14 ~~(i) The governing body or the chief administrative officer, if no~~
15 ~~governing body exists, of a state or municipal building, may exempt the~~
16 ~~building, or any public area thereof, from this section until July 1, 2017, by~~
17 ~~adopting a resolution, or drafting a letter, listing the legal description of~~
18 ~~such building, listing the reasons for such exemption, and including the~~
19 ~~following statement: "A security plan has been developed for the building~~
20 ~~being exempted which supplies adequate security to the occupants of the~~
21 ~~building and merits the prohibition of the carrying of a concealed~~
22 ~~handgun." A copy of the security plan for the building shall be maintained~~
23 ~~on file and shall be made available, upon request, to the Kansas attorney~~
24 ~~general and the law enforcement agency of local jurisdiction. Notice of~~
25 ~~this exemption, together with the resolution adopted or the letter drafted,~~
26 ~~shall be sent to the Kansas attorney general and to the law enforcement~~
27 ~~agency of local jurisdiction. The security plan shall not be subject to~~
28 ~~disclosure under the Kansas open records act.~~

29 ~~(j) The governing body or the chief administrative officer, if no~~
30 ~~governing body exists, of any postsecondary educational institution, as~~
31 ~~defined in K.S.A. 74-3201b, and amendments thereto, may exempt any~~
32 ~~building of such institution, including any buildings located on the grounds~~
33 ~~of such institution and any buildings leased by such institution, or any~~
34 ~~public area thereof, from this section until July 1, 2017, by stating the~~
35 ~~reasons for such exemption and sending notice of such exemption to the~~
36 ~~Kansas attorney general (1) Except as provided in subsection (i)(2), a~~
37 ~~postsecondary educational institution may prohibit the carrying of~~
38 ~~concealed handguns in any building of such institution, including any~~
39 ~~buildings located on the grounds of such institution and any buildings~~
40 ~~leased by such institution, or any public area thereof, provided that the~~
41 ~~building or public area thereof is conspicuously posted in accordance with~~
42 ~~K.S.A. 2017 Supp. 75-7c10, and amendments thereto.~~

43 (2) A postsecondary educational institution shall not prohibit the

1 *holder of a license issued pursuant to or recognized by this act from*
2 *carrying a concealed handgun in any building of such institution or public*
3 *area thereof, unless such building or public area has adequate security*
4 *measures to ensure that no weapons are permitted to be carried into such*
5 *building or public area and there is signage conspicuously posted in*
6 *accordance with K.S.A. 2017 Supp. 75-7c10, and amendments thereto.*

7 ~~(j)~~ **The provisions of this section shall not apply to:**

8 **(1) Any building located on the grounds of the Kansas state**
9 **school for the deaf or the Kansas state school for the blind;**

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

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

14 **(4) a community mental health center organized pursuant to**
15 **K.S.A. 19-4001 et seq., and amendments thereto;**

16 **(5) an indigent health care clinic, as defined by K.S.A. 2017 Supp.**
17 **65-7402, and amendments thereto; or**

18 **(6) any building owned or leased by the authority created under**
19 **the university of Kansas hospital authority act, any building located**
20 **within the health care district, as defined in the unified government of**
21 **Wyandotte county and Kansas City, Kansas City-wide master plan,**
22 **Rosedale master plan and traffic study or similar master plan or**
23 **comprehensive planning or zoning document approved by the unified**
24 **government of Wyandotte county and Kansas City, Kansas in effect on**
25 **January 12, 2017.**

26 ~~(k)~~ **Nothing in this section shall be construed to prohibit any**
27 **law enforcement officer, as defined in K.S.A. 2017 Supp. 75-7c22, and**
28 **amendments thereto, who satisfies the requirements of either K.S.A.**
29 **2017 Supp. 75-7c22(a) or (b), and amendments thereto, from carrying**
30 **a concealed handgun into any state or municipal building, or any**
31 **public area thereof, in accordance with the provisions of K.S.A. 2017**
32 **Supp. 75-7c22, and amendments thereto, subject to any restrictions or**
33 **prohibitions imposed in any courtroom by the chief judge of the**
34 **judicial district.**

35 ~~(m)~~ **(l) For purposes of this section:**

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

1 weapons, including, but not limited to, the use of gun lockers or other
2 similar storage options may be provided at public entrances.

3 (2) "Authorized personnel" means employees of a state agency or
4 municipality and any person granted authorization pursuant to
5 subsection (d)(2), who are authorized to enter a state or municipal
6 building through a restricted access entrance.

7 (3) The terms "municipality" and "municipal" are
8 interchangeable and have the same meaning as the term
9 "municipality" is defined in K.S.A. 75-6102, and amendments thereto;
10 but does not include school districts. *The term "municipality" shall not*
11 *include school districts or postsecondary educational institutions, as*
12 *defined in K.S.A. 74-3201b, and amendments thereto.*

13 (4) "Public area" means any portion of a state or municipal
14 building that is open to and accessible by the public or which is
15 otherwise designated as a public area by the governing body or the
16 chief administrative officer, if no governing body exists, of such
17 building.

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

21 (6) "State" means the same as the term is defined in K.S.A. 75-
22 6102, and amendments thereto.

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

28 (B) The term "state and municipal building" shall not include the
29 state capitol.

30 (8) "Weapon" means a weapon described in K.S.A. 2017 Supp.
31 21-6301, and amendments thereto, except the term "weapon" shall not
32 include any cutting instrument that has a sharpened or pointed blade.

33 ~~(m)~~(m) This section shall be a part of and supplemental to the
34 personal and family protection act.}

35 Sec. ~~3~~. {6.} K.S.A. 2016 Supp. {21-6302,} 75-7c03 ~~and~~ {, 75-7c04,}
36 75-7c06 {and 75-7c20} are hereby repealed.

37 Sec. ~~4~~. {7.} This act shall take effect and be in force from and after its
38 publication in the statute book.