

## HOUSE BILL No. 2111

By Committee on Federal and State Affairs

1-28

1 AN ACT concerning firearms; relating to the possession thereof; amending  
2 K.S.A. 2012 Supp. 12-16,124 and 21-6309 and repealing the existing  
3 sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 12-16,124 is hereby amended to read as  
7 follows: 12-16,124. (a) No city or county shall adopt any ordinance,  
8 resolution or regulation, and no agent of any city or county shall take any  
9 administrative action, governing the purchase, transfer, ownership,  
10 storage, *carrying on one's person* or transporting of firearms or  
11 ammunition, or any component or combination thereof. ~~Except as~~  
12 ~~provided in subsection (b) and subsection (a) of K.S.A. 2012 Supp. 75-~~  
13 ~~7e11, and amendments thereto,~~ Any such ordinance, resolution or  
14 regulation adopted prior to the effective date of this 2007 act shall be null  
15 and void.

16 (b) Nothing in this section shall:

17 (1) prohibit a law enforcement officer, as defined in K.S.A. 22-2202,  
18 and amendments thereto, from acting within the scope of such officer's  
19 duties;

20 (2) ~~prohibit a city or county from regulating the manner of openly~~  
21 ~~carrying a loaded firearm on one's person; or in the immediate control of a~~  
22 ~~person, not licensed under the personal and family protection act while on~~  
23 ~~property open to the public;~~

24 (3) ~~prohibit a city or county from regulating in any manner the~~  
25 ~~carrying of any firearm in any jail, juvenile detention facility, prison,~~  
26 ~~courthouse, courtroom or city hall; or~~

27 (4) ~~prohibit a city or county from adopting an ordinance, resolution or~~  
28 ~~regulation requiring a firearm transported in any air, land or water vehicle~~  
29 ~~to be unloaded and encased in a container which completely encloses the~~  
30 ~~firearm or any less restrictive provision governing the transporting of~~  
31 ~~firearms, provided such ordinance, resolution or regulation shall not apply~~  
32 ~~to persons licensed under the personal and family protection act.~~

33 (c) ~~Except as provided in subsection (b) of this section and subsection~~  
34 ~~(a) of K.S.A. 2012 Supp. 75-7e11, and amendments thereto, no person~~  
35 ~~shall be prosecuted or convicted of a violation of any ordinance, resolution~~  
36 ~~or regulation of a city or county which regulates the storage or~~

1 transportation of a firearm if such person (1) is storing or transporting the  
2 firearm without violating any provision of the Kansas criminal code or (2)  
3 is otherwise transporting the firearm in a lawful manner.

4 ~~(d) No person shall be prosecuted under any ordinance, resolution or~~  
5 ~~regulation for transporting a firearm in any air, land or water vehicle if the~~  
6 ~~firearm is unloaded and encased in a container which completely encloses~~  
7 ~~the firearm.~~

8 Sec. 2. K.S.A. 2012 Supp. 21-6309 is hereby amended to read as  
9 follows: 21-6309. (a) It shall be unlawful to possess, with no requirement  
10 of a culpable mental state, a firearm ~~on the grounds in any of the following~~  
11 ~~places:~~

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

13 (2) within the governor's residence;

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

16 (4) within any other state-owned or leased building if the secretary of  
17 administration has so designated by rules and regulations and  
18 conspicuously placed signs clearly stating that firearms are prohibited  
19 within such building; ~~or~~

20 (5) within any county courthouse, unless, by county resolution, the  
21 board of county commissioners authorize the possession of a firearm  
22 within such courthouse; *or*

23 *(6) within any jail, juvenile correctional facility, juvenile detention*  
24 *facility or prison.*

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

26 (c) This section shall not apply to:

27 (1) A commissioned law enforcement officer;

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

30 (3) any person summoned by any such officer to assist in making  
31 arrests or preserving the peace while actually engaged in assisting such  
32 officer;

33 (4) a member of the military of this state or the United States engaged  
34 in the performance of duties; or

35 (5) a person with a license issued pursuant to or recognized under  
36 K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, except in  
37 buildings posted in accordance with K.S.A. 2012 Supp. 75-7c10, and  
38 amendments thereto, and in the areas specified in subsections (a)(2) and  
39 (a)(3).

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

41 (1) Governor, the governor's immediate family, or specifically  
42 authorized guest of the governor to possess a firearm within the governor's  
43 residence or on the grounds of or in any building on the grounds of the

1 governor's residence; or

2 (2) United States attorney for the district of Kansas, the attorney  
3 general, any district attorney or county attorney, any assistant United  
4 States attorney if authorized by the United States attorney for the district  
5 of Kansas, any assistant attorney general if authorized by the attorney  
6 general, or any assistant district attorney or assistant county attorney if  
7 authorized by the district attorney or county attorney by whom such  
8 assistant is employed, to possess a firearm within any county courthouse  
9 and court-related facility, subject to any restrictions or prohibitions  
10 imposed in any courtroom by the chief judge of the judicial district. The  
11 provisions of this paragraph shall not apply to any person not in  
12 compliance with K.S.A. 2012 Supp. 75-7c19, and amendments thereto.

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

17 (1) Facilities have adequate security measures to ensure that no  
18 weapons are permitted to be carried into such facilities;

19 (2) facilities have adequate measures for storing and securing  
20 lawfully carried weapons, including, but not limited to, the use of gun  
21 lockers or other similar storage options;

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

27 (4) facilities have a sign conspicuously posted at each entryway into  
28 such facility stating that the provisions of subsection (d)(2) do not apply to  
29 such facility.

30 (f) As used in this section:

31 (1) "Adequate security measures" means the use of electronic  
32 equipment and personnel to detect and restrict the carrying of any weapons  
33 into the facility, including, but not limited to, metal detectors, metal  
34 detector wands or any other equipment used for similar purposes;

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

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

40 (4) "jail" shall have the same meaning as that term is defined in  
41 K.S.A. 2012 Supp. 38-2302, and amendments thereto;

42 (5) "juvenile correctional facility" shall have the same meaning as  
43 that term is defined in K.S.A. 2012 Supp. 38-2302, and amendments

1 *thereto;*

2 (6) *"juvenile detention facility" shall have the same meaning as that*  
3 *term is defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto;*  
4 *and*

5 (7) *"prison" shall have the same meaning as that term is defined in*  
6 *K.S.A. 2012 Supp. 21-6803, and amendments thereto.*

7 (g) For the purposes of ~~subsection~~ *subsections (a)(1), (a)(4) and, (a)*  
8 *(5) and (a)(6), "building," and "courthouse," "jail," "juvenile correctional*  
9 *facility," "juvenile detention facility" and "prison" shall not include any*  
10 *structure, or any area of any structure, designated for the parking of motor*  
11 *vehicles.*

12 Sec. 3. K.S.A. 2012 Supp. 12-16,124 and 21-6309 are hereby  
13 repealed.

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