

HOUSE BILL No. 2190

By Committee on Federal and State Affairs

1-31

1 AN ACT concerning firearms; relating to possession thereof on certain
2 government property; amending K.S.A. 2012 Supp. 21-6309 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2012 Supp. 21-6309 is hereby amended to read as
7 follows: 21-6309.(a) It shall be unlawful to possess, with no requirement
8 of a culpable mental state, a firearm ~~on the grounds in any of the following~~
9 ~~places:~~

- 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;
29 (4) a member of the military of this state or the United States engaged
30 in the performance of duties; or
31 (5) a person with a license issued pursuant to or recognized under
32 K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, except in
33 buildings posted in accordance with K.S.A. 2012 Supp. 75-7c10, and
34 amendments thereto, and in the areas specified in subsections (a)(2) and
35 (a)(3).
- 36 (d) It is not a violation of this section for the:

1 (1) Governor, the governor's immediate family, or specifically
2 authorized guest of the governor to possess a firearm within the governor's
3 residence or on the grounds of or in any building on the grounds of the
4 governor's residence; or

5 (2) 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, to possess a firearm within any county courthouse
12 and court-related facility, subject to any restrictions or prohibitions
13 imposed in any courtroom by the chief judge of the judicial district. The
14 provisions of this paragraph shall not apply to any person not in
15 compliance with K.S.A. 2012 Supp. 75-7c19, and amendments thereto.

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

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

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

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

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

33 (f) As used in this section:

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

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

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

43 (g) For the purposes of subsection (a)(1), (a)(4) and (a)(5), "building"

1 and "courthouse" shall not include any structure, or any area of any
2 structure, designated for the parking of motor vehicles.

3 Sec. 2. K.S.A. 2012 Supp. 21-6309 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the Kansas register.