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Briefing Book

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Federal and State Affairs

E-1 Carrying of Firearms

Background

Prior to 2006, open carry of firearms was legal in the state except where prohibited by local ordinance. The State also had no provisions for concealed carry of firearms until 2006 when the Personal and Family Protection Act was enacted.

Personal and Family Protection Act (2006 SB 418)

Enactment made Kansas the 47th state to allow concealed carry, and made it the 36th state that “shall issue” concealed carry permits. In other words, under the new law, Kansas would be required to issue a concealed carry permit to any person who met the education requirements, could lawfully possess a firearm, and who paid the licensing fee. Permits were issued beginning on January 1, 2007.

2013 Legislative Changes (Senate Sub. for HB 2052 and SB 21)

The 2013 Legislature passed Senate Sub. for HB 2052, which added new sections to the Personal and Family Protection Act (PFPA), primarily authorizing concealed carry of handguns by licensees into certain public buildings enumerated in the legislation. Also passed was SB 21, which enacted firearms-related amendments.

2015 Legislative Changes (SB 45)

SB 45 (2015) allowed the concealed carry of a firearm without a concealed carry license issued by the State as long as the individual carrying the firearm is not prohibited from possessing a firearm under either federal or state law.

2017 Legislative Changes (Senate Sub. for HB 2278)

Senate Sub. for HB 2278 (2017) exempted the following institutions from a general requirement in law that public buildings have

adequate security measures in place before the concealed carry of handguns can be prohibited:

- State- or municipal-owned medical care facilities and adult care homes;
- Community mental health centers;
- Indigent health care clinics; and
- Any buildings located in the health care district associated with the University of Kansas Medical Center.

2018 Legislative Changes (HB 2145)

HB 2145 (2018) amended the definition of “criminal use of weapons” by adding possession of a firearm by any of the following: fugitives from justice; aliens illegally or unlawfully in the United States; persons convicted of a misdemeanor for a domestic violence offense within the past five years; and persons subject to court orders restraining them from harassing, stalking, or threatening an intimate partner, child, or child of an intimate partner.

The bill also specified possession of a device or attachment designed, used, or intended for use in suppressing the report of any firearm shall be exempt from the definition of “criminal use of weapons” if the device or attachment satisfies the description of a Kansas-made firearm accessory in current law. The exemption applies to any “criminal use of weapons” violation that occurred on or after April 25, 2013.

Carrying of Concealed Weapons

Prior to the enactment of 2015 SB 45, Kansas citizens who wished to carry a concealed firearm in the state were required to possess a permit issued by the Kansas Attorney General. However, after January 1, 2014, any person who could lawfully possess a handgun in the state could carry it concealed without a permit. This makes Kansas a “constitutional carry” state. If a Kansas resident desires to carry a concealed handgun in a different state, they would need a Kansas concealed carry permit, provided the state recognizes Kansas-issued permits.

Permit Qualifications

The applicant must:

- Be 21 years of age or older;
- Live in the county in which the license is applied for;
- Be able to lawfully possess a firearm;
- Successfully complete the required training course; and
- Pay application and background check fees (\$132.50).

Unlicensed Concealed Carry

Since the enactment of 2015 SB 45, citizens have been able to carry concealed firearms in the state without a permit. However, the law provides some exceptions. Private property owners can exclude weapons from their premises. Additionally, state or municipal buildings must allow citizens to carry concealed firearms, unless adequate security is present. “Adequate security,” as defined by law, includes armed guards and metal detectors at every public access entrance to a building. Furthermore, state or municipal employers may not restrict the carry of concealed firearms by their employees, unless adequate security is present at each public access entrance to the building. Correctional facilities, jails, and law enforcement agencies may exclude concealed weapons in all secured areas, and courtrooms may be excluded, provided that adequate security is present at each public access entrance.

Public Buildings Exceptions

Under the PFPA, several types of public buildings are excluded and are allowed to ban concealed firearms for a period of four years.

State- or Municipal-owned Medical Care Facilities, Adult Care Homes, and Community Mental Health Centers

Senate Sub. for HB 2278 (2017) exempted the following institutions from a general requirement in law that public buildings have adequate

security measures in place before the concealed carry of handguns can be prohibited: state- or municipal-owned medical care facilities and adult care homes, community mental health centers, indigent health care clinics, and any buildings located in the health care district associated with the University of Kansas Medical Center.

Public College Campuses

Under the PFPA, Board of Regents institutions were able to exclude concealed firearms from their campuses until July 1, 2017. Now, Board of Regents institutions must allow concealed firearms in buildings in which adequate security is not provided. The Board of Regents adopted a policy that stated those who carry on campus must be 21 years of age. Further, they must completely conceal their weapon, and the safety must be engaged. Each university has adopted

its own concealed weapons policy in accordance with the law. Kansas is 1 of 12 states where state public universities must allow concealed weapons on their campuses; however, Oregon, Virginia, and Wisconsin limit such carry to the open areas of campus. Eighteen states have law that restricts the carrying of concealed weapons on college and university campuses. The laws of nine states are silent to the topic, allowing colleges and universities to develop their own policies.

State Capitol Building

Under the PFPA, the State Capitol Building is excluded from the definition of state and municipal building. Furthermore, the law states citizens may carry a concealed firearm within the State Capitol, provided they are lawfully able to possess a firearm.

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