

KANSAS PERSONAL AND FAMILY PROTECTION ACT

OTHER PROHIBITED PLACES STATE, FEDERAL AND TRIBAL PROPERTIES

Since the last update to this document, the Kansas Legislature passed (and the Governor signed into law) Senate Substitute for House Bill 2052 during the 2013 legislative session. That bill became law on July 1, 2013 and added K.S.A. 75-7c20 and 75-7c21. There are some major shifts in building restrictions for licensees – particularly when discussing State buildings or any “municipal” building – as those terms are defined by K.S.A. 75-7c20(1). HOWEVER...

Licensees need to be aware of the exemptions that those state or municipal buildings can exercise. In practice, they could exempt themselves from having to comply with K.S.A. 75-7c20 through at least December 31, 2017. Please, consult the language of the statutes at www.ag.ks.gov under the concealed carry link of the Attorney General’s “Public Safety” tab.

On and after July 1, 2015, those provisions of 75-7c20 and 75-7c21 apply to the lawful concealed carry of handguns by individuals who are not licensed by the Attorney General.

State office buildings (Except the State Capitol Building):

AG-approved signage required if: the building has “adequate security measures” in place (metal detection equipment and personnel at each public entrance); or the state building (through its governing body or chief administrative officer if there is no governing body) has exercised an allowed exemption under subsection (i) or (j), whichever is applicable, of K.S.A. 75-7c20.

If no exemption has been exercised and no “adequate security measures” are in place, then the state building must have adequate security measures in place and properly posted AG-approved signage.

Per K.S.A. 75-7c21, on and after July 1, 2015, the concealed carry of handguns in the Capitol is allowed so long as the carrier is lawful to be in possession of firearms.

Federal Facilities (No A.G. Posting Required)

Federal “facilities” or federal “court facilities,” are OFF LIMITS to CCH licensees regardless of whether or not they are posted with appropriate A.G. ‘no concealed carry’ signage. See K.S.A. 75-7c10(h).

18 U.S.C. 930 states that the possession of firearms, or causing a firearm to be present, in a federal facility or federal court facility will subject the individual to federal charges.

- a.) A “federal facility” is defined as, “a building or part thereof owned or leased by the Federal Government, where Federal employees are regularly present for the purpose of performing their official duties.” 18 U.S.C. 930(g)(1).

For example: Post Offices; FBI branch offices, IRS branch offices, etc.

- b.) A “federal court facility” means, “the courtroom, judges' chambers, witness rooms, jury deliberation rooms, attorney conference rooms, prisoner holding cells, offices of the court clerks, the United States attorney, and the United States marshal, probation and parole offices, and adjoining corridors of any court of the United States.” 18 U.S.C. 930(g)(3).

Federal Lands (No A.G. Posting Required)

On February 22, 2010, carrying concealed weapons into units of “national parks and wildlife refuges in accordance with the laws of the state where the park or refuge is located” became lawful (Memorandum from National Park Service, September 21, 2009). However, 18 USC 930 still prohibits the carrying of firearms into buildings where park or refuge employees work, i.e., park or refuge visitor centers.

Units under the “National Park Service” are, among others, National Parks, National Monuments, National Preserves, National Historic Sites/Parks, National Rivers, National Memorials, National Recreation Areas and National Seashores. The above allowances and limitations apply equally at these locations.

Generally, federal lands managed under the Bureau of Land Management and National Forest Service, including, National Forests and National Wilderness Areas allow state laws to govern firearms. However, licensees must bear the responsibility of knowing the law of the jurisdiction where they are carrying.

A licensee is encouraged to call ahead to Land Management, Forest, Park or Wildlife Refuge officials to verify the rules for firearms possession and if there are any special circumstances or conditions the licensee will need to be aware of...such as buildings or other sites designated a “federal facility.”

Some helpful links include:

http://www.nps.gov/fobu/parkmgmt/upload/imr_gunsparks_brochure_2-2010.pdf

http://www.nps.gov/news/upload/CLASSLST-395_08-28-11.pdf

Corp of Engineers Land (No A.G. Posting Required)

As a general matter, these lands are “no firearms allowed” as per federal regulation, 36 CFR 327.13, which states:

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:
- a. In the possession of a Federal, state or local law enforcement officer;
 - b. Being used for hunting or fishing as permitted under § 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
 - c. Being used at authorized shooting ranges; or
 - d. Written permission has been received from the District Commander

- (b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

Licensees should always call ahead to Corp authorities (and/or State park authorities) to find out any such property boundaries so as to avoid crossing into such with their firearms. This is especially important as often times, Corp properties may abut or be found within State park areas (where carrying a firearm is allowed).

Casinos (Tribal casinos: No A.G. posting required. Non-tribal: A.G. Posting required)

Pursuant to the Tribal Gaming Compacts, casinos located on tribal lands are areas where no firearms will be allowed to be carried by the general public or concealed carry licensees. Some non-tribal casinos have begun and will continue to develop throughout Kansas in recent years and beyond – those casinos will be governed by Kansas laws and licensees should be aware of any signage restricting their firearms access into the casino.

Tribal Lands (No A.G. posting required)

As a general matter, tribal lands are independently governed by their own respective tribes and state laws have no effect upon tribal laws. It is our understanding that visiting licensees will be recognized so long as they are acting according to state laws. However, should a licensee be traveling onto tribal lands, it is always best to contact the local policing authority and inquire as to the proper manner of carrying a firearm.

State Race tracks (A.G. Posting on Buildings Required in accordance with 75-7c20 if State-owned)

State Wildlife Areas and State Parks (Buildings: See details of “State buildings” above; Lands: Posting of AG-approved signage has no legal effect under K.S.A. 75-7c10.)

On and after July 1, 2013, any park buildings will have to comply with K.S.A. 75-7c20 in order to prohibit carry within those structures; but state park lands are open for licensed concealed carry. K.S.A. 2011 Supp. 32-1002(c)(3), concealed carry licensees are now allowed to carry concealed while lawfully hunting, fishing or fur harvesting regardless of regulations that limit the carry of certain firearms during specific seasons.

Note: Again, Licensees need to be mindful of areas such as Corp of Engineer lands that are federal and off limits with no requirement of AG-approved posting. Again, licensees are encouraged to call state park officials to be sure of these boundaries if they exist within that park.

Governor’s Residence or buildings on his grounds: See description for “State buildings” above.

Grounds of the Governor’s residence A.G.-approved signage has no legal effect here under 75-7c10 or 75-7c20; and licensees are no longer generally prohibited from carrying there under K.S.A. 21-6309.