

KANSAS PERSONAL AND FAMILY PROTECTION ACT

OTHER PROHIBITED PLACES STATE, FEDERAL AND TRIBAL PROPERTIES

Since the last update to this document, the Kansas Legislature made amendments to the ‘prohibited places’ of concealed carry enumerated or otherwise allowed under K.S.A. 75-7c10 and K.S.A. 75-7c11. The general stance of those 2010 amendments is spelled out under the Summary of the 2010 Changes to Concealed Carry document found at: <http://www.ksag.org>

To begin, all changes are effective July 1, 2010.

The first notable change is that KSA 75-7c11 as of July 1, 2010, will be repealed. However, its provisions have been rolled into KSA 75-7c10 which created one comprehensive statute to deal with prohibited locations and posting.

The next notable adjustment made by SB 306 was that all locations enumerated under K.S.A. 75-7c10(a) are only allowed to post their building(s). This change mirrors that of what happened under KSA 75-7c11 in 2007 when HB 2528 was passed that year. As always, this restriction is inapplicable to federal facilities and federal court facilities as the State of Kansas cannot force the federal government to post our signs; federal law has its own penalties for carrying into such a location.

Also of note is that several previously enumerated locations have been repealed (largely because they would be repetitive with the new provisions incorporated from 75-7c11).

Another modification made was to the penalty provisions for a violation of the new KSA 75-7c10. A first violation is a misdemeanor punishable by a \$50 fine; a second is the same but with a \$100 fine; and a third or subsequent is a class B misdemeanor (up to \$1000 and/or 6 months in jail).

Federal, State and County prosecutors (not city however) have been exempted from the “no concealed carry” signage application. In essence, if the prosecutor has complied with KSA 75-7c19 (obtained a Kansas CCH license and completed the supplemental KLETC training course) then a “no concealed carry” sign will not apply to the prosecutor except where a Chief Judge of a District Court has prohibited firearms in the courtrooms of that District.

Although the express reference to KSA 21-4218 was removed from KSA 75-7c10, there is still a prohibition against carrying into a state office building (new K.S.A. 75-7c10(a)(6)). Additionally, KSA 21-4218 now contains an express allowance for licensees to carry into the enumerated locations within that statute – however, that allowance does not apply to buildings posted in accordance with KSA 75-7c10 or the governor’s home or grounds regardless of whether or not they are posted. Therefore, below are some locations that licensees will definitely need to be cognizant of during their travels if they are carrying concealed.

State office buildings (A.G. Posting required)

As per K.A.R. 16-11-1, includes the interior of any of the following buildings:

- a) Those buildings named in K.S.A. 2011 Supp. 21-6309, and amendments thereto;
 - (1) K.S.A. 21-6309 prohibits firearms within the following;
 - (a) Any building within the State capitol complex [per K.S.A. 75-4514];
 - (1) the Docking building;
 - (2) the Landon building;
 - (3) the Curtis building;
 - (4) the Eisenhower building;
 - (5) Memorial Hall
 - (6) the Kansas Judicial Center; and
 - (7) the State capitol;
 - (b) the Governor’s residence;
 - (c) the buildings located on the grounds of the Governor’s residence;
 - (d) any other state owned or leased buildings if firearms are prohibited by regulation and signs are posted informing of such prohibition; or
 - (e) any county courthouse (unless firearms are allowed by county resolution).
 - b) all other state-owned or state-leased buildings in which firearm possession is prohibited by posting as provided in K.A.R. 1-49-11;
 - (1) K.A.R. 1-49-11 states: “The provisions of K.S.A. 1992 Supp. 21-4218, as amended, with respect to possession of firearms shall apply to all state-owned or leased buildings in which the agency or agencies occupying the building have conspicuously placed signs clearly stating that firearms are prohibited within that building.”

Federal “facilities” or federal “court facilities,” the Governor’s residence and the grounds of (including any other buildings thereon) 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(e); 2010 Supp. 21-4218(b)(5) [now 2011 Supp. 21-6309(c)(5)].

Federal Facilities (No A.G. Posting Required)

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)

As of February 22, 2010, carrying concealed weapons into National Parks, Monuments, and all other lands will be allowed depending and contingent upon the firearm laws of the State which encompasses the National Park or Monument. A licensee is encouraged to call ahead to park/monument officials to find out any special circumstances the licensee will need to be aware of...such as park buildings or other sites where employees regularly work making that location a “federal facility.”

See: <http://www.washingtontimes.com/news/2010/feb/22/national-parks-will-open-gates-to-holders-of-conce/>

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) and 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. 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.

Race tracks (A.G. Posting Required)

State Wildlife Areas and State Parks

Any park buildings will have to be posted in order to prohibit carry within those structures. Additionally, however, even though a hunter licensee may be allowed to generally carry concealed within the State park, there are hunting regulations which would prohibit a licensee from carrying a specific caliber of a weapon or at all. Licensees who are hunting must abide by these regulations.

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

Governor's Residence (NO A.G. Posting required)

Grounds of (or other non-resident buildings there within) the Governor's residence
(NO A.G. Posting Required)