

BACKGROUND INFORMATION CONCERNING FIREARMS IN CITY-OWNED BUILDINGS

The carrying of firearms in city buildings is governed, in large part, by the Personal and Family Protection Act (PFPA), K.S.A. 75-7c01 – 7c27. “The legislature finds as a matter of public policy and fact that it is **necessary to provide statewide uniform standards** for issuing licenses to carry concealed handguns for self-defense and finds it necessary to occupy the field of regulation of the bearing of concealed handguns.”¹

Brief Historical Notes on the PFPA

- 2006: The Kansas state legislature crafted the PFPA to permit individuals who obtained a license to carry a concealed weapon.
- 2013: The state legislature amended the PFPA to require cities to allow the carrying of a concealed handgun in a city building unless the building:
- (1) was appropriately marked with gun signs approved by the Attorney General and had adequate security measures (which, at that time, meant the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the building); or
 - (2) had an approved exemption from the “adequate security” requirements for a period not to exceed four years. The City obtained exemptions for the City of Topeka Municipal Building (including City Hall, the Topeka Performing Arts Center and the Municipal Court), the Holliday Building and Gage Park Zoo. The exemptions are effective through December 31, 2017.
- 2015: The state legislature eliminated the permit and training requirements to carry a concealed handgun.
- 2016: The state legislature amended the definition of “adequate security measures” to require armed personnel (in lieu of simply “personnel”) at every public entrance to detect and restrict the carrying of weapons into the building. The 2016 amendments also (i) allow “public areas” of a building (rather than the entire building) to satisfy the “adequate security” requirements; (ii) limits cities’ ability to adopt personnel policies restricting employees from carrying concealed handguns; and (iii) provides that exemptions expire on July 1, 2017; but because the City’s exemptions were approved in 2013, the City is entitled to rely on the four-year exemption period in effect at that time (i.e., until December 31, 2017).

Law Enforcement Center and Municipal Court

The Law Enforcement Center and Municipal Court currently have armed personnel operating metal detectors at the public entrances to each of these buildings, along with appropriate signage prohibiting carrying of handguns. These two areas may continue to prohibit concealed carry after December 31, 2017.

¹ K.S.A. 75-7c17(a).

Recommended Action for Topeka Municipal Code 9.40.005

TMC 9.40.005 states that it is unlawful for most persons to carry any firearm in thirty-two listed buildings (many of which are no longer owned by the City). TMC 9.40.005 is outdated and because it conflicts with current state law governing the carrying of firearms/handguns, it is no longer enforceable and should be repealed in its entirety. *The proposed repeal of TMC 9.40.005 will be presented for action at the May 2, 2017 Governing Body meeting.*

Policy Issues for the Governing Body

Exemptions for City Hall, TPAC, the Holliday Building and the Zoo expire at 11:59 p.m. on December 31, 2017. Therefore, the Governing Body will need to consider its options within the next several months. Those options include:

(1) Take no action, which would allow concealed carry of handguns at or within City Hall, TPAC, the Holliday Building and the Zoo effective January 1, 2018.

(2) Continue to prohibit concealed carry of handguns within City Hall, TPAC, the Holliday Building and/or the Zoo – and/or impose new prohibitions of concealed carry in any *other* City building, or public area of any City building. If this option is selected, adequate security measures must be in place on January 1, 2018. Therefore, the governing body will need to discuss the costs of staffing public entrances with armed security, and installing metal detector devices at those entrances, as part of the budget process. Some preliminary cost estimates are attached hereto as Exhibit A.

It is important to note that, regardless of the option chosen, *cities are not liable* “for any wrongful act or omission relating to the actions of any person carrying a firearm, including employees of such municipality, concerning acts or omissions regarding such firearm.”²

² K.S.A. 12-16,124a(a).

Background Information prepared by:
Topeka Legal Department

Exhibit A Cost Information prepared by:
Topeka Police Department

EXHIBIT A

COST ESTIMATES

For illustrative purposes only, preliminary cost estimates for security enhancements at two buildings – City Hall and Cyrus K. Holliday – were compiled by the Topeka Police Department and are provided below:

Cost of Physical Barriers:

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|--|----------|
| (a) Security enhancement through physical barriers, both natural and structural, designed to deny unauthorized access. | \$66,000 |
| (b) Walk Through Metal Detector (\$3595 for each building) | \$7190 |

ESTIMATED COST: \$73,190.00

Personnel Costs Option I:

- (a) Security enhancement through addition of protective service officers (7 PSOs), M-F from 0700-1900 hours
- (b) Complete details on cost analysis sheet

ESTIMATED ANNUAL COST: \$406,929.03

Personnel Costs Option II:

- (a) Security enhancement through addition of Topeka Police Department sworn personnel (6 officers and 1 sergeant), M-F from 0700-1900 hours
- (b) Complete details on cost analysis sheet

ESTIMATED ANNUAL COST: \$569,799.34