



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

*Curt T. Schneider*  
Attorney General

July 7, 1976

ATTORNEY GENERAL OPINION NO. 76- 206

Mr. Raymond A. Bloxsom  
Police Legal Advisor  
Topeka Police Department  
204 West Fifth  
Topeka, Kansas 66603

RE: Legislature -- Claims Against the State --  
Governmental Immunity

SYNOPSIS: The defense of governmental immunity would be available to the state in actions arising out of authorized use of the Forbes Field Firearms Range by state officers and employees.

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Dear Mr. Bloxsom:

You inquire whether the defense of governmental immunity would be available to the state in actions arising out of the use of the Forbes Field Firearms Range by certain state officers or employees. In particular, your inquiry concerns liability arising from an activity within the firing range causing injury outside the firing range, such as a bullet hitting a person passing by or a plane overhead.

K.S.A. 46-901 states the law in Kansas on governmental immunity thus:

"It is hereby declared and provided that the following shall immune from liability and suit on an implied contract, or for negligence or any other tort, except as is otherwise specifically provided by statute:

Mr. Raymond A. Bloxson

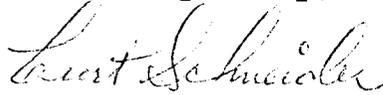
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- (1) The state of Kansas; and
- (2) Boards, commissions, departments, agencies, bureaus and institutions of the state of Kansas; and
- (3) All committees, assemblies, groups, by whatever designation; authorized by constitution or statute to act on behalf or for the state of Kansas."

It is our opinion that the state agencies mentioned in your letter, including the Kansas Bureau of Investigation, Highway Patrol, Capitol Area Security Patrol and Kansas Turnpike Authority would be within the ambit of K.S.A. 46-901 and thus be immune from liabilities and suit as a result of authorized activities on the firing range. This immunity would not necessarily extend to officers or employees while off duty or to those not engaged in the performance of their official duties.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:DLW:en