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**As Amended by House Committee**

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Session of 2002

**HOUSE BILL No. 2669**

By Committee on Education

1-23

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AN ACT concerning school safety; revising the definition of weapon; amending K.S.A. 2001 Supp. 72-89a01 and 72-89c01 and repealing the existing sections.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2001 Supp. 72-89a01 is hereby amended to read as follows: 72-89a01. As used in this act:

(a) "Board of education" means the board of education of a unified school district or the governing authority of an accredited nonpublic school.

(b) "School" means a public school or an accredited nonpublic school.

(c) "Public school" means a school operated by a unified school district organized under the laws of this state.

(d) "Accredited nonpublic school" means a nonpublic school participating in the quality performance accreditation system.

(e) "Chief administrative officer of a school" means, in the case of a public school, the superintendent of schools and, in the case of an accredited nonpublic school, the person designated as chief administrative officer by the governing authority of the school.

(f) "Federal law" means the individuals with disabilities education act, section 504 of the rehabilitation act, the gun-free schools act of 1994, and regulations adopted pursuant to such acts.

(g) "Secretary of education" means the secretary of the United States department of education.

(h) "Weapon" means (1) any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any weapon described in the preceding example; (3) any firearm muffler or firearm silencer; (4) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than 1/4 ounce, (E) mine, or (F) similar device; (5) any weapon which will, or which may be readily converted to,

1 expel a projectile by the action of an explosive or other propellant, and  
2 which has any barrel with a bore of more than  $\frac{1}{2}$  inch in diameter; (6)  
3 any combination of parts either designed or intended for use in converting  
4 any device into any destructive device described in the two immediately  
5 preceding examples, and from which a destructive device may be readily  
6 assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star;  
7 (8) any knife, commonly referred to as a switch-blade, which has a blade  
8 that opens automatically by hand pressure applied to a button, spring or  
9 other device in the handle of the knife, or any knife having a blade that  
10 opens or falls or is ejected into position by the force of gravity or by an  
11 outward, downward or centrifugal thrust or movement; (9) any electronic  
12 device designed to discharge immobilizing levels of electricity, commonly  
13 known as a stun gun; (10) **live ammunition, which includes cartridge**  
14 **cases, primers, bullets or propellant powder designed for use in any fire-**  
15 **arm.** The term “weapon” does not include within its meaning (1) an  
16 antique firearm; (2) any device which is neither designed nor redesigned  
17 for use as a weapon; (3) any device, although originally designed for use  
18 as a weapon, which is redesigned for use as a signaling, pyrotechnic, line  
19 throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or  
20 given by the secretary of the army pursuant to the provisions of section  
21 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C  
22 common fireworks; (6) **spent ammunition.**

23 Sec. 2. K.S.A. 2001 Supp. 72-89c01 is hereby amended to read as  
24 follows: 72-89c01. As used in K.S.A. 2001 Supp. 72-89c01 and 72-89c02,  
25 and amendments thereto:

26 (a) “Board of education” means the board of education of a unified  
27 school district or the governing authority of an accredited nonpublic  
28 school.

29 (b) “School” means a public school or an accredited nonpublic school.

30 (c) “Public school” means a school operated by a unified school dis-  
31 trict organized under the laws of this state.

32 (d) “Accredited nonpublic school” means a nonpublic school partic-  
33 ipating in the quality performance accreditation system.

34 (e) “Chief administrative officer of a school” means, in the case of a  
35 public school, the superintendent of schools or a designee of the super-  
36 intendent and, in the case of an accredited nonpublic school, the person  
37 designated as chief administrative officer by the governing authority of  
38 the school.

39 (f) “Weapon” means (1) any weapon which will or is designed to or  
40 may readily be converted to expel a projectile by the action of an explo-  
41 sive; (2) the frame or receiver of any weapon described in the preceding  
42 example; (3) any firearm muffler or firearm silencer; (4) any explosive,  
43 incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a

1 propellant charge of more than four ounces, (D) missile having an explo-  
2 sive or incendiary charge of more than ¼ ounce, (E) mine, or (F) similar  
3 device; (5) any weapon which will, or which may be readily converted to,  
4 expel a projectile by the action of an explosive or other propellant, and  
5 which has any barrel with a bore of more than ½ inch in diameter; (6)  
6 any combination of parts either designed or intended for use in converting  
7 any device into any destructive device described in the two immediately  
8 preceding examples, and from which a destructive device may be readily  
9 assembled; (7) any bludgeon, sandclub, metal knuckles or throwing star;  
10 (8) any knife, commonly referred to as a switch-blade, which has a blade  
11 that opens automatically by hand pressure applied to a button, spring or  
12 other device in the handle of the knife, or any knife having a blade that  
13 opens or falls or is ejected into position by the force of gravity or by an  
14 outward, downward or centrifugal thrust or movement; (9) any electronic  
15 device designed to discharge immobilizing levels of electricity, commonly  
16 known as a stun gun; (10) **live ammunition, which includes cartridge**  
17 *cases, primers, bullets or propellant powder designed for use in any fire-*  
18 *arm.* The term “weapon” does not include within its meaning (1) an  
19 antique firearm; (2) any device which is neither designed nor redesigned  
20 for use as a weapon; (3) any device, although originally designed for use  
21 as a weapon, which is redesigned for use as a signaling, pyrotechnic, line  
22 throwing, safety, or similar device; (4) surplus ordinance sold, loaned, or  
23 given by the secretary of the army pursuant to the provisions of section  
24 4684(2), 4685, or 4686 of title 10 of the United States Code; (5) class C  
25 common fireworks; (6) **spent ammunition.**

26 (g) “Controlled substance” has the meaning ascribed thereto in  
27 K.S.A. 65-4101, and amendments thereto.

28 (h) “Illegal drug” means a controlled substance but does not include  
29 such a substance that is legally possessed or used under the supervision  
30 of a licensed health-care professional or that is legally possessed or used  
31 under authority of any federal or state law.

32 (i) “Possession of a weapon, controlled substance or illegal drug”  
33 means knowingly having direct physical control over a weapon, controlled  
34 substance or illegal drug or knowingly having the power and the intention  
35 at a given time to exercise dominion or control over a weapon, controlled  
36 substance or illegal drug.

37 Sec. 3. K.S.A. 2001 Supp. 72-89a01 and 72-89c01 are hereby  
38 repealed.

39 Sec. 4. This act shall take effect and be in force from and after its  
40 publication in the statute book.