

SENATE BILL No. 536

By Committee on Judiciary

2-7

AN ACT concerning crimes, criminal procedure and punishment; creating certain crimes involving use and possession of body armor and prescribing penalties therefor.

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

Section 1. (a) Criminal use of body armor is committing any person felony while wearing body armor.

(b) The provisions of this section shall not apply to: (1) A uniformed or properly identified state, county or city law enforcement officer, while such officer is engaged in the performance of such officer's duty; or

(2) a security officer, while such officer is engaged in the performance of such officer's duty.

(c) As used in this section: (1) "Body armor" means clothing or a device designed or intended to protect a person's body or a portion of a person's body from death or injury caused by a firearm; and

(2) "security officer" means a person lawfully employed to protect another person or to protect the property of another person.

(d) Criminal use of body armor is a severity level 5, person felony.

(e) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. (a) Criminal possession of body armor is possession, purchase or ownership of body armor by a person who has been convicted of a person felony.

(b) (1) The provisions of this section shall not apply to any person who has been granted permission to possess, purchase or own body armor as provided in this section.

(2) (A) A person who has been convicted of a person felony whose employment, livelihood or safety is dependent on such person's ability to purchase, own, possess or use body armor may petition the county sheriff of the county in which such person resides for written permission to purchase, own, possess or use body armor.

(B) The sheriff may grant a person who properly petitions the sheriff under this subsection written permission to purchase, own, possess or use body armor as provided in this section if the sheriff determines that the petitioner is likely to use body armor in a safe and lawful manner and has

1 reasonable need for the protection provided by body armor.

2 (C) In making the determination required under this subsection the
3 sheriff must consider the petitioner's continued employment, the inter-
4 ests of justice and other circumstances justifying issuance of written per-
5 mission to purchase, own, possess or use body armor.

6 (D) The sheriff may restrict written permission issued to a petitioner
7 under this section in any manner determined appropriate by the sheriff.
8 If permission is restricted, the sheriff must state the restrictions in the
9 permission document.

10 (E) Sheriffs shall exercise broad discretion in determining whether
11 to issue written permission to purchase, own, possess or use body armor
12 under this section. Nothing in this section requires a sheriff to issue writ-
13 ten permission to any particular petitioner. The issuance of written per-
14 mission to purchase, own, possess or use body armor under this section
15 does not relieve any person or entity from criminal liability that might
16 otherwise be imposed.

17 (F) A person who receives written permission from a sheriff to pur-
18 chase, own, possess or use body armor must have the written permission
19 in such person's possession when purchasing, owning, possessing or using
20 body armor.

21 (3) A law enforcement agency may issue body armor to a person who
22 is in the custody of a law enforcement agency or a local or state correc-
23 tional facility or who is a witness to a crime for his protection without a
24 petition being filed under this subsection. If the law enforcement agency
25 issues body armor to a person under this subsection, the law enforcement
26 agency must document the reasons for issuing the body armor and retain
27 a copy of that document as an official record. The law enforcement agency
28 must issue written permission to the person to possess and use body
29 armor under this section.

30 (c) As used in this section, "body armor" means the same as provided
31 in section 1, and amendments thereto.

32 (d) Criminal possession of body armor is a severity level 8, person
33 felony.

34 (e) The provisions of this section shall be part of and supplemental
35 to the Kansas criminal code.

36 Sec. 3. This act shall take effect and be in force from and after its
37 publication in the statute book.

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