

SENATE BILL No. 609

By Committee on Judiciary

2-15

AN ACT concerning crimes, criminal procedure and punishment; creating the crime of endangering a child by deadly weapon access; providing penalties therefor.

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

Section 1. (a) Endangering a child by deadly weapon access is intentionally, recklessly or negligently causing a child under the age of 18 years to be placed in a situation in which the child's life, body or health may be injured or endangered as a result of the child's access to a deadly weapon.

(b) The provisions of this section shall not apply if: (1) The child obtains the deadly weapon as a result of an illegal entry to any premises;

(2) the deadly weapon is kept in a locked container or location that a reasonable person would believe to be secure;

(3) the deadly weapon is locked or secured with a locking device that has rendered the deadly weapon inoperable or unusable;

(4) the deadly weapon is carried on the person or within such close proximity to the person so that the person can readily retrieve and use the deadly weapon as if carried on or in the control of the person;

(5) the person is a law enforcement officer or a member of the armed forces or national guard and the child obtains the deadly weapon during, or incidental to, the performance of such person's duties;

(6) the child obtains, or obtains and uses, the deadly weapon in a lawful act of self defense or defense of another person; and

(7) the person who keeps a deadly weapon on any premises that is under such person's custody or control has no reasonable expectation based on objective facts and circumstances that a child is likely to be present on the premises.

(c) Endangering a child by deadly weapon access is a severity level 8, person felony.

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

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.