

HOUSE BILL No. 2870

By Committee on Corrections and Juvenile Justice

2-13

9 AN ACT concerning imitation firearms; amending K.S.A. 12-16,115 and
10 repealing the existing section.

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

13 Section 1. K.S.A. 12-16,115 is hereby amended to read as follows:
14 12-16,115. (a) Any person who sells, manufactures or distributes an imi-
15 tation firearm in violation of this section shall be liable for a civil penalty
16 in an action brought by the city attorney of the city or the county or district
17 attorney of the county of not more than \$10,000 for each violation. Pen-
18 alties recovered pursuant to this section shall be deposited in the general
19 fund of the city or county.

20 (b) The sale, manufacture or distribution of imitation firearms shall
21 be permissible if the imitation firearm is sold, manufactured or
22 distributed:

23 (1) Solely for export in interstate or foreign commerce;

24 (2) solely for lawful use in theatrical productions, including motion
25 picture, television and stage productions;

26 (3) for use in a certified or regulated athletic event or competition;

27 (4) for use in military or civil defense activities; or

28 (5) for public displays authorized by public or private schools.

29 (c) As used in this section, the term "imitation firearm" means a rep-
30 lica of a firearm which is so substantially similar in physical properties to
31 an existing firearm as to lead a reasonable person to conclude that the
32 replica is a firearm. The term "imitation firearm" does not include: (1) A
33 nonfiring collector's replica of an antique firearm which was designed
34 prior to 1898, is historically significant, and is offered for sale in conjunc-
35 tion with a wall plaque or presentation case; (2) a nonfiring collector's
36 replica of a firearm which was designed after 1898, is historically signif-
37 icant, was issued as a commemorative by a nonprofit organization and is
38 offered for sale in conjunction with a wall plaque or presentation case; or
39 (3) a pneumatic, spring, spring-air or compressed-gas powered nonpow-
40 der gun that is commonly called an air gun and is designed to discharge
41 BB's, pellets or paint balls, *unless such gun is manufactured in such a*
42 *form or with such attention to detail as to lead a reasonable person to*
43 *conclude that the replica is a firearm.*

- 1 Sec. 2. K.S.A. 12-16,115 is hereby repealed.
- 2 Sec. 3. This act shall take effect and be in force from and after its
- 3 publication in the statute book.