

Approved 2-26-90  
Date

MINUTES OF THE Senate COMMITTEE ON State and Federal Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at  
Chairperson

11:10 a.m./~~p.m.~~ on February 22, 1990 in room 254-E of the Capito

All members were present ~~except~~:

Committee staff present:

Mary Torrence, Revisor of Statutes Office  
Mary Galligan, Legislative Research  
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Discussion on: HB 2018 - Sale to or possession of firearms by felons

There was discussion on a balloon amendment that had been considered last session. (Attachment 1)

A motion was made by Senator Walker and seconded by Senator McClure to adopt the balloon amendment.

A substitute motion was made by Senator Bond and seconded by Senator Morris that the balloon amendment be adopted but that language be added to make it applicable to only those felonies committed when the defendant was in possession of a firearm. The motion failed.

The original motion by Senator Walker failed.

The meeting was adjourned at 12:00 noon.



[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 1989

## HOUSE BILL No. 2018

By Representative Francisco

(By request)

1-9

21 AN ACT concerning crimes and punishments; relating to certain  
22 crimes involving firearms; amending K.S.A. 21-4203 and 21-4204  
23 and repealing the existing sections.  
24

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

26 Section 1. K.S.A. 21-4203 is hereby amended to read as follows:

27 21-4203. (1) Unlawful disposal of firearms is knowingly:

28 (a) Selling, giving or otherwise transferring any firearm with a  
29 barrel less than ~~twelve (12)~~ 12 inches long to any person under  
30 ~~eighteen (18)~~ 18 years of age; or

31 (b) selling, giving or otherwise transferring any firearms to any  
32 ~~habitual drunkard or narcotic addict; or~~ person who is addicted  
33 to and a user of alcohol or a controlled substance;

34 (c) selling, giving or otherwise transferring any firearm with a  
35 ~~barrel less than twelve (12) inches long with a barrel less than~~ , within the preceding five years,  
36 12 inches long to any person who ~~has been convicted of a felony~~  
37 ~~under the laws of this or any other jurisdiction if such sale, gift or~~  
38 ~~transfer is made to such convicted person within five (5) years after~~  
39 ~~his such person's release from the penitentiary [imprisonment] or~~  
40 ~~within five (5) years after his such person's conviction if the de-~~  
41 ~~fundent such person has not been imprisoned in the penitentiary;~~

42 or

43 (d) selling, giving or otherwise transferring any firearm to any  
44 person who has been convicted of a felony under K.S.A. 21-3401, 21-3415,  
45 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3419, 21-  
46 3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, ~~21-3611~~, 21-3716,

3/21/89  
Discussed  
not adopted  
Senate F&S  
2-22-90  
Att. 1

aggravated murder

47 65-4127a or 65-4127b, and amendments thereto, or a crime under  
48 a law of another jurisdiction which is substantially the same as such  
49 felony

50 (2) Unlawful disposal of firearms is a class A misdemeanor.

, unless the conviction has been expunged or the person has been pardoned for such felony

51 Sec. 2. K.S.A. 21-4204 is hereby amended to read as follows:  
52 21-4204. (1) Unlawful possession of a firearm is:

53 (a) Possession of any firearm by an ~~habitual drunkard or nar-~~  
54 ~~cotics addict, or a person who is addicted to and a user of alcohol~~  
55 ~~or a controlled substance;~~

56 (b) possession of a firearm with a barrel less than twelve (12)  
57 inches long with a barrel less than 12 inches long by a person

58 who, within ~~five (5) years preceding such violation~~ the preceding five years,  
59 ~~has been convicted of a felony under the laws of Kansas or any other jurisdiction~~ this  
60 ~~or has been released from imprisonment for a felony; or~~

61 (c) possession of any firearm by any person who has been con-  
62 victed of a felony under K.S.A. 21-3401, 21-3402, 21-3403, 21-3404,  
63 21-3410, 21-3411, 21-3414, 21-3419, 21-3420, 21-3421, 21-3427, 21-  
64 3502, 21-3506, 21-3518, ~~21-3611~~, 21-3716, 65-4127a or 65-4127b,  
65 and amendments thereto, or a crime under a law of another ju-  
66 risdiction which is substantially the same as such felony.

21-3415, *aggravated battery against a law enforcement officer*

67 (2) Violation of subsection (1) (a) ~~of this section~~ is a class B  
68 misdemeanor; violation of subsection (1) (b) or (1)(c) is a class D [E]  
69 felony.

, unless the conviction has been expunged or the person has been pardoned for such felony

70 Sec. 3. K.S.A. 21-4203 and 21-4204 are hereby repealed.

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

2-1