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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 15, 2023
Subject: Bill Brief for SB 193

Senate Bill 193 enacts the reduce armed violence act to increase the criminal penalties for certain violations of criminal possession of a weapon by a convicted felon that involve firearms.

The bill amends K.S.A. 21-6804, the sentencing grid for nondrug crimes, to create a new special sentencing rule when a person is sentenced for a violation of criminal possession of a weapon by a convicted felon. The sentence for such violation would be presumptive imprisonment and served consecutively to any other term of imprisonment imposed if the trier of fact makes a finding beyond a reasonable doubt that: (1) The weapon the offender possessed during the violation was a firearm; and (2) such firearm was possessed by the offender during the commission of any violent felony.

As used in the special sentencing rule, “violent felony” means capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, kidnapping or aggravated kidnapping, aggravated assault, aggravated assault of a law enforcement officer, aggravated battery, aggravated battery against a law enforcement officer, mistreatment of a dependent adult or mistreatment of an elder person, robbery or aggravated robbery, rape, aggravated criminal sodomy, aggravated endangering a child, abuse of a child, any drug felony, burglary or aggravated burglary, arson or aggravated arson, treason, felony criminal discharge of a firearm, fleeing or attempting to elude a police officer, any felony that includes the domestic violence designation and any attempt, conspiracy or criminal solicitation of an offense listed above.