

## SENATE BILL No. 503

By Committee on Federal and State Affairs

2-10

AN ACT concerning federal and state laws; relating to firearms; removing the criminal prohibition against firearm suppressors and firearm barrel length qualification requirements; amending K.S.A. 21-6301 and 21-6302 and repealing the existing sections.

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

Section 1. K.S.A. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club or metal knuckles;

(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, throwing star, stiletto or any other dangerous or deadly weapon or instrument of like character;

(3) setting a spring gun;

~~(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;~~

~~(5)(4) selling, manufacturing, purchasing or possessing a shotgun with a barrel less than 18 inches in length, or any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically;~~

~~(6)(5) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight, whether the person knows or has reason to know that the plastic-coated bullet has a core of less than 60% lead by weight;~~

~~(7)(6) selling, giving or otherwise transferring any firearm with a barrel less than 12 inches long to any person under 18 years of age whether the person knows or has reason to know the length of the barrel;~~

~~(8)(7) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;~~

~~(9)(8) selling, giving or otherwise transferring any firearm to any~~

1 person who is or has been a mentally ill person subject to involuntary  
2 commitment for care and treatment, as defined in K.S.A. 59-2946, and  
3 amendments thereto, or a person with an alcohol or substance abuse  
4 problem subject to involuntary commitment for care and treatment as  
5 defined in K.S.A. 59-29b46, and amendments thereto;

6 ~~(10)~~(9) possessing any firearm by a person who is both addicted to  
7 and an unlawful user of a controlled substance;

8 ~~(11)~~(10) possessing any firearm by any person, other than a law  
9 enforcement officer, in or on any school property or grounds upon which is  
10 located a building or structure used by a unified school district or an  
11 accredited nonpublic school for student instruction or attendance or  
12 extracurricular activities of pupils enrolled in kindergarten or any of the  
13 grades one through 12 or at any regularly scheduled school sponsored  
14 activity or event whether the person knows or has reason to know that such  
15 person was in or on any such property or grounds;

16 ~~(12)~~(11) refusing to surrender or immediately remove from school  
17 property or grounds or at any regularly scheduled school sponsored  
18 activity or event any firearm in the possession of any person, other than a  
19 law enforcement officer, when so requested or directed by any duly  
20 authorized school employee or any law enforcement officer;

21 ~~(13)~~(12) possessing any firearm by a person who is or has been a  
22 mentally ill person subject to involuntary commitment for care and  
23 treatment, as defined in K.S.A. 59-2946, and amendments thereto, or  
24 persons with an alcohol or substance abuse problem subject to involuntary  
25 commitment for care and treatment as defined in K.S.A. 59-29b46, and  
26 amendments thereto;

27 ~~(14)~~(13) possessing a firearm with a barrel less than 12 inches long  
28 by any person less than 18 years of age;

29 ~~(15)~~(14) possessing any firearm while a fugitive from justice;

30 ~~(16)~~(15) possessing any firearm by a person who is an alien illegally  
31 or unlawfully in the United States;

32 ~~(17)~~(16) possessing any firearm by a person while such person is  
33 subject to a court order that:

34 (A) Was issued after a hearing, of which such person received actual  
35 notice, and at which such person had an opportunity to participate;

36 (B) restrains such person from harassing, stalking or threatening an  
37 intimate partner of such person or a child of such person or such intimate  
38 partner, or engaging in other conduct that would place an intimate partner  
39 in reasonable fear of bodily injury to the partner or the child; and

40 (C) (i) includes a finding that such person represents a credible threat  
41 to the physical safety of such intimate partner or child; or

42 (ii) by its terms explicitly prohibits the use, attempted use or  
43 threatened use of physical force against such intimate partner or child that

1 would reasonably be expected to cause bodily injury; or

2 ~~(18)(17)~~ possessing any firearm by a person who, within the  
3 preceding five years, has been convicted of a misdemeanor for a domestic  
4 violence offense, or a misdemeanor under a law of another jurisdiction  
5 ~~which~~*that* is substantially the same as such misdemeanor offense.

6 (b) Criminal use of weapons as defined in:

7 (1) Subsection (a)(1), (a)(2), (a)(3), ~~(a)(7)(6)~~, ~~(a)(8)(7)~~, ~~(a)(9)(8)~~ or  
8 ~~(a)(12)(11)~~ is a class A nonperson misdemeanor;

9 (2) subsection ~~(a)(4)~~, ~~(a)(5)~~ or ~~(a)(6)~~ *(a)(4)* or *(a)(5)* is a severity  
10 level 9, nonperson felony;

11 (3) subsection ~~(a)(10)~~ or ~~(a)(11)~~ *(a)(9)* or *(a)(10)* is a class B  
12 nonperson select misdemeanor;

13 (4) subsection ~~(a)(13)(12)~~, ~~(a)(15)(14)~~, ~~(a)(16)(15)~~, ~~(a)(17)(16)~~ or ~~(a)~~  
14 ~~(18)(17)~~ is a severity level 8, nonperson felony; and

15 (5) subsection ~~(a)(14)(13)~~ is a:

16 (A) Class A nonperson misdemeanor except as provided in subsection  
17 ~~(b)(5)(B)~~;

18 (B) severity level 8, nonperson felony upon a second or subsequent  
19 conviction.

20 (c) Subsections (a)(1), (a)(2) and ~~(a)(5)(4)~~ shall not apply to:

21 (1) Law enforcement officers, or any person summoned by any such  
22 officers to assist in making arrests or preserving the peace while actually  
23 engaged in assisting such officer;

24 (2) wardens, superintendents, directors, security personnel and  
25 keepers of prisons, penitentiaries, jails and other institutions for the  
26 detention of persons accused or convicted of crime, while acting within the  
27 scope of their authority;

28 (3) members of the armed services or reserve forces of the United  
29 States or the Kansas national guard while in the performance of their  
30 official duty; or

31 (4) the manufacture of, transportation to, or sale of weapons to a  
32 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess  
33 such weapons.

34 ~~Subsections~~ *Subsection* ~~(a)(4)~~ and ~~(a)(5)~~ shall not apply to any  
35 person who sells, purchases, possesses or carries a firearm, device or  
36 attachment ~~which~~*that* has been rendered unserviceable by steel weld in the  
37 chamber and marriage weld of the barrel to the receiver and ~~which~~*that* has  
38 been registered in the national firearms registration and transfer record in  
39 compliance with 26 U.S.C. § 5841 et seq. in the name of such person and,  
40 if such person transfers such firearm, device or attachment to another  
41 person, has been so registered in the transferee's name by the transferor.

42 (e) Subsection ~~(a)(6)(5)~~ shall not apply to a governmental laboratory  
43 or solid plastic bullets.

1 (f) ~~Subsection (a)(4) shall not apply to a law enforcement officer who~~  
2 ~~is:~~

3 (1) ~~Assigned by the head of such officer's law enforcement agency to~~  
4 ~~a tactical unit which receives specialized, regular training;~~

5 (2) ~~designated by the head of such officer's law enforcement agency~~  
6 ~~to possess devices described in subsection (a)(4); and~~

7 (3) ~~in possession of commercially manufactured devices which are:~~

8 (A) ~~Owned by the law enforcement agency;~~

9 (B) ~~in such officer's possession only during specific operations; and~~

10 (C) ~~approved by the bureau of alcohol, tobacco, firearms and~~  
11 ~~explosives of the United States department of justice.~~

12 (g)(f) ~~Subsections (a)(4), (a)(5) and (a)(6) (a)(4) and (a)(5) shall not~~  
13 ~~apply to any person employed by a laboratory which~~~~that~~ ~~is certified by the~~  
14 ~~United States department of justice, national institute of justice, while~~  
15 ~~actually engaged in the duties of their employment and on the premises of~~  
16 ~~such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) (a)(4) and~~  
17 ~~(a)(5) shall not affect the manufacture of, transportation to or sale of~~  
18 ~~weapons to such certified laboratory.~~

19 (h)(g) ~~Subsections (a)(4) and~~ Subsection (a)(5)(4) shall not apply to  
20 or affect any person or entity in compliance with the national firearms act,  
21 26 U.S.C. § 5801 et seq.

22 (i) (1) ~~Subsection (a)(4) shall not apply to or affect any person in~~  
23 ~~possession of a device or attachment designed, used or intended for use in~~  
24 ~~suppressing the report of any firearm, if such device or attachment satisfies~~  
25 ~~the description of a Kansas-made firearm accessory as set forth in K.S.A.~~  
26 ~~50-1204, and amendments thereto.~~

27 (2) ~~The provisions of this subsection shall apply to any violation of~~  
28 ~~subsection (a)(4) that occurred on or after April 25, 2013.~~

29 (j)(h) Subsection (a)(11)(10) shall not apply to:

30 (1) Possession of any firearm in connection with a firearms safety  
31 course of instruction or firearms education course approved and authorized  
32 by the school;

33 (2) possession of any firearm specifically authorized in writing by the  
34 superintendent of any unified school district or the chief administrator of  
35 any accredited nonpublic school;

36 (3) possession of a firearm secured in a motor vehicle by a parent,  
37 guardian, custodian or someone authorized to act in such person's behalf  
38 who is delivering or collecting a student;

39 (4) possession of a firearm secured in a motor vehicle by a registered  
40 voter who is on the school grounds, ~~which~~~~that~~ contain a polling place for  
41 the purpose of voting during polling hours on an election day; or

42 (5) possession of a concealed handgun by an individual who is not  
43 prohibited from possessing a firearm under either federal or state law, and

1 who is either: (A) 21 years of age or older; or (B) possesses a valid  
2 provisional license issued pursuant to K.S.A. 75-7c03, and amendments  
3 thereto, or a valid license to carry a concealed handgun issued by another  
4 jurisdiction that is recognized in this state pursuant to K.S.A. 75-7c03, and  
5 amendments thereto.

6 ~~(k)(i)~~ Subsections ~~(a)(9) and (a)(13)~~ ~~(a)(8) and (a)(12)~~ shall not apply  
7 to a person who has received a certificate of restoration pursuant to K.S.A.  
8 75-7c26, and amendments thereto.

9 ~~(H)(j)~~ Subsection ~~(a)(14)(13)~~ shall not apply if such person, less than  
10 18 years of age, was:

11 (1) In attendance at a hunter's safety course or a firearms safety  
12 course;

13 (2) engaging in practice in the use of such firearm or target shooting  
14 at an established range authorized by the governing body of the  
15 jurisdiction in which such range is located, or at another private range with  
16 permission of such person's parent or legal guardian;

17 (3) engaging in an organized competition involving the use of such  
18 firearm, or participating in or practicing for a performance by an  
19 organization exempt from federal income tax pursuant to section 501(c)(3)  
20 of the internal revenue code of 1986 which uses firearms as a part of such  
21 performance;

22 (4) hunting or trapping pursuant to a valid license issued to such  
23 person pursuant to article 9 of chapter 32 of the Kansas Statutes  
24 Annotated, and amendments thereto;

25 (5) traveling with any such firearm in such person's possession being  
26 unloaded to or from any activity described in subsections ~~(H)(j)(1)~~ through  
27 ~~(H)(j)(4)~~, only if such firearm is secured, unloaded and outside the  
28 immediate access of such person;

29 (6) on real property under the control of such person's parent, legal  
30 guardian or grandparent and who has the permission of such parent, legal  
31 guardian or grandparent to possess such firearm; or

32 (7) at such person's residence and who, with the permission of such  
33 person's parent or legal guardian, possesses such firearm for the purpose of  
34 exercising the rights contained in K.S.A. 21-5222, 21-5223 or 21-5225,  
35 and amendments thereto.

36 ~~(m)(k)~~ As used in this section:

37 (1) "Domestic violence" means the use or attempted use of physical  
38 force, or the threatened use of a deadly weapon, committed against a  
39 person with whom the offender is involved or has been involved in a  
40 dating relationship or is a family or household member.

41 (2) "Fugitive from justice" means any person having knowledge that  
42 a warrant for the commission of a felony has been issued for the  
43 apprehension of such person under K.S.A. 22-2713, and amendments

1 thereto.

2 (3) "Intimate partner" means, with respect to a person, the spouse of  
3 the person, a former spouse of the person, an individual who is a parent of  
4 a child of the person or an individual who cohabitates or has cohabitated  
5 with the person.

6 (4) "Throwing star" means any instrument, without handles,  
7 consisting of a metal plate having three or more radiating points with one  
8 or more sharp edges and designed in the shape of a polygon, trefoil, cross,  
9 star, diamond or other geometric shape, manufactured for use as a weapon  
10 for throwing.

11 Sec. 2. K.S.A. 21-6302 is hereby amended to read as follows: 21-  
12 6302. (a) Criminal carrying of a weapon is knowingly carrying:

13 (1) Any bludgeon, sandclub, metal knuckles or throwing star;

14 (2) concealed on one's person, a billy, blackjack, slungshot or any  
15 other dangerous or deadly weapon or instrument of like character;

16 (3) on one's person or in any land, water or air vehicle, with intent to  
17 use the same unlawfully, a tear gas or smoke bomb or projector or any  
18 object containing a noxious liquid, gas or substance;

19 (4) any pistol, revolver or other firearm concealed on one's person if  
20 such person is under 21 years of age, except when on such person's land or  
21 in such person's abode or fixed place of business; or

22 (5) ~~a shotgun with a barrel less than 18 inches in length or any other~~  
23 ~~firearm designed to discharge or capable of discharging automatically~~  
24 ~~more than once by a single function of the trigger whether the person~~  
25 ~~knows or has reason to know the length of the barrel or that the firearm is~~  
26 ~~designed or capable of discharging automatically.~~

27 (b) Criminal carrying of a weapon as defined in:

28 (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson  
29 misdemeanor; and

30 (2) subsection (a)(5) is a severity level 9, nonperson felony.

31 (c) Subsection (a) shall not apply to:

32 (1) Law enforcement officers, or any person summoned by any such  
33 officers to assist in making arrests or preserving the peace while actually  
34 engaged in assisting such officer;

35 (2) wardens, superintendents, directors, security personnel and  
36 keepers of prisons, penitentiaries, jails and other institutions for the  
37 detention of persons accused or convicted of crime, while acting within the  
38 scope of their authority;

39 (3) members of the armed services or reserve forces of the United  
40 States or the Kansas national guard while in the performance of their  
41 official duty; or

42 (4) the manufacture of, transportation to, or sale of weapons to a  
43 person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess

1 such weapons.

2 (d) Subsection (a)(4) shall not apply to any person who is carrying a  
3 handgun, as defined in K.S.A. 75-7c02, and amendments thereto, and who  
4 possesses a valid provisional license issued pursuant to K.S.A. 75-7c03,  
5 and amendments thereto, or a valid license or permit to carry a concealed  
6 firearm that was issued by another jurisdiction and is recognized in this  
7 state pursuant to K.S.A. 75-7c03, and amendments thereto.

8 (e) Subsection (a)(5) shall not apply to:

9 (1) Any person who sells, purchases, possesses or carries a firearm,  
10 device or attachment~~which~~ *that* has been rendered unserviceable by steel  
11 weld in the chamber and marriage weld of the barrel to the receiver and  
12 ~~which~~ *that* has been registered in the national firearms registration and  
13 transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of  
14 such person and, if such person transfers such firearm, device or  
15 attachment to another person, has been so registered in the transferee's  
16 name by the transferor;

17 (2) any person employed by a laboratory~~which~~ *that* is certified by the  
18 United States department of justice, national institute of justice, while  
19 actually engaged in the duties of their employment and on the premises of  
20 such certified laboratory. Subsection (a)(5) shall not affect the manufacture  
21 of, transportation to or sale of weapons to such certified laboratory; or

22 (3) any person or entity in compliance with the national firearms act,  
23 26 U.S.C. § 5801 et seq.

24 (f) As used in this section, "throwing star" means the same as  
25 prescribed by K.S.A. 21-6301, and amendments thereto.

26 Sec. 3. K.S.A. 21-6301 and 21-6302 are hereby repealed.

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