

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2421

By Representatives O'Brien and Goodman

12-30

1 AN ACT enacting the Kansas firearms freedom act.

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

4 Section 1. Sections 1 through 8, and amendments thereto, may be
5 cited as the Kansas firearms freedom act.

6 Sec. 2. The legislature declares that the authority for sections 1
7 through 8, and amendments thereto, is the following:

8 (a) The tenth amendment to the constitution of the United States
9 guarantees to the states and their people all powers not granted to the
10 federal government elsewhere in the constitution and reserves to the state
11 and people of Kansas certain powers as they were understood at the time
12 that Kansas was admitted to statehood in 1861. The guaranty of those
13 powers is a matter of contract between the state and people of Kansas and
14 the United States as of the time that the compact with the United States
15 was agreed upon and adopted by Kansas in 1859 and the United States in
16 1861.

17 (b) The ninth amendment to the constitution of the United States
18 guarantees to the people rights not granted in the constitution and reserves
19 to the people of Kansas certain rights as they were understood at the time
20 that Kansas was admitted to statehood in 1861. The guaranty of those
21 rights is a matter of contract between the state and people of Kansas and
22 the United States as of the time that the compact with the United States
23 was agreed upon and adopted by Kansas in 1859 and the United States in
24 1861.

25 (c) The regulation of intrastate commerce is vested in the states under
26 the ninth and tenth amendments to the constitution of the United States.

27 (d) The second amendment to the constitution of the United States
28 reserves to the people the right to keep and bear arms as that right was
29 understood at the time that Kansas was admitted to statehood in 1861, and
30 the guaranty of the right is a matter of contract between the state and
31 people of Kansas and the United States as of the time that the compact
32 with the United States was agreed upon and adopted by Kansas in 1859
33 and the United States in 1861.

34 (e) Section 4 of the bill of rights of the constitution of the state of
35 Kansas clearly secures to Kansas citizens, and prohibits government
36 interference with, the right of individual Kansas citizens to keep and bear

1 arms. This constitutional protection is unchanged from the constitution of
2 the state of Kansas, which was approved by congress and the people of
3 Kansas, and the right exists as it was understood at the time that the
4 compact with the United States was agreed upon and adopted by Kansas in
5 1859 and the United States in 1861.

6 Sec. 3. As used in sections 1 though 8, and amendments thereto, the
7 following definitions apply:

8 (a) "Borders of Kansas" means the boundaries of Kansas described
9 in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, §1.

10 (b) "Firearms accessories" means items that are used in conjunction
11 with or mounted upon a firearm but are not essential to the basic function
12 of a firearm, including, but not limited to, telescopic or laser sights,
13 magazines, flash or sound suppressors, folding or aftermarket stocks and
14 grips, speedloaders, ammunition carriers and lights for target illumination.

15 (c) "Generic and insignificant parts" includes, but is not limited to,
16 springs, screws, nuts and pins.

17 (d) "Manufactured" means that a firearm, a firearm accessory or
18 ammunition has been created from basic materials for functional
19 usefulness, including, but not limited to, forging, casting, machining or
20 other processes for working materials.

21 Sec. 4. (a) A personal firearm, a firearm accessory or ammunition
22 that is manufactured commercially or privately in Kansas and that remains
23 within the borders of Kansas is not subject to federal law or federal
24 regulation, including registration, under the authority of congress to
25 regulate interstate commerce. It is declared by the legislature that those
26 items have not traveled in interstate commerce. This section applies to a
27 firearm, a firearm accessory or ammunition that is manufactured in Kansas
28 from basic materials and that can be manufactured without the inclusion of
29 any significant parts imported from another state.

30 (b) Generic and insignificant parts that have other manufacturing or
31 consumer product applications are not firearms, firearms accessories or
32 ammunition, and their importation into Kansas and incorporation into a
33 firearm, a firearm accessory or ammunition manufactured in Kansas does
34 not subject the firearm, firearm accessory or ammunition to federal
35 regulation. It is declared by the legislature that basic materials, such as
36 unmachined steel and unshaped wood, are not firearms, firearms
37 accessories or ammunition and are not subject to congressional authority
38 to regulate firearms, firearms accessories and ammunition under interstate
39 commerce as if they were actually firearms, firearms accessories or
40 ammunition.

41 (c) The authority of congress to regulate interstate commerce in basic
42 materials does not include authority to regulate firearms, firearms
43 accessories and ammunition made in Kansas from those materials.

1 Firearms accessories that are imported into Kansas from another state and
2 that are subject to federal regulation as being in interstate commerce do
3 not subject a firearm to federal regulation under interstate commerce
4 because they are attached to or used in conjunction with a firearm in
5 Kansas.

6 Sec. 5. Section 4, and amendments thereto, does not apply to:

7 (a) A firearm that cannot be carried and used by one person;

8 (b) a firearm that has a bore diameter greater than 1½ inches and that
9 uses smokeless powder, not black powder, as a propellant;

10 (c) ammunition with a projectile that explodes using an explosion of
11 chemical energy after the projectile leaves the firearm; or

12 (d) other than shotguns, a firearm that discharges two or more
13 projectiles with one activation of the trigger or other firing device.

14 Sec. 6. A firearm manufactured or sold in Kansas under sections 1
15 through 8, and amendments thereto, must have the words “Made in
16 Kansas” clearly stamped on a ~~central metallic part, such as the receiver or~~
17 ~~frame~~.

18 Sec. 7. It is unlawful for any official, agent or employee of the
19 government of the United States, or employee of a corporation providing
20 services to the government of the United States to enforce or attempt to
21 enforce an act, order, law, statute, rule or regulation of the government of
22 the United States upon a firearm, a firearm accessory, or ammunition that
23 is manufactured commercially or privately in the state of Kansas and that
24 remains within the state of Kansas. Violation of this section is a severity
25 level 10 nonperson felony.

26 Sec. 8. Sections 1 through 8, and amendments thereto, apply to
27 firearms, firearms accessories and ammunition that are manufactured, as
28 defined in section 3, and amendments thereto, and retained in Kansas on
29 and after October 1, 2009.

30 Sec. 9. This act shall take effect and be in force from and after its
31 publication in the Kansas register.

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