

SENATE BILL No. 80

By Committee on Judiciary

2-1

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to criminal possession of a weapon by a convicted felon; ~~ammunition;~~
3 increasing penalty; amending K.S.A. 2018 Supp. 21-6304 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2018 Supp. 21-6304 is hereby amended to read as
8 follows: 21-6304. (a) Criminal possession of a weapon by a convicted
9 felon is possession of any weapon by a person who:

10 (1) Has been convicted of a person felony or a violation of article 57
11 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
12 K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or
13 any violation of any provision of the uniform controlled substances act
14 prior to July 1, 2009, or a crime under a law of another jurisdiction which
15 is substantially the same as such felony or violation, or was adjudicated a
16 juvenile offender because of the commission of an act which, if ~~done~~
17 *committed* by an adult, would constitute the commission of a person felony
18 or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated,
19 and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17,
20 prior to their transfer, or any violation of any provision of the uniform
21 controlled substances act prior to July 1, 2009, and was found to have been
22 in possession of a firearm at the time of the commission of the crime;

23 (2) within the preceding five years has been convicted of a felony,
24 other than those specified in subsection (a)(3)(A), under the laws of
25 Kansas or a crime under a law of another jurisdiction which is
26 substantially the same as such felony, has been released from
27 imprisonment for a felony or was adjudicated as a juvenile offender
28 because of the commission of an act which, if ~~done~~ *committed* by an adult,
29 would constitute the commission of a felony, and was not found to have
30 been in possession of a firearm at the time of the commission of the crime;
31 or

32 (3) within the preceding 10 years, has been convicted of a:

33 (A) Felony under K.S.A. 2018 Supp. 21-5402, 21-5403, 21-5404, 21-
34 5405, 21-5408, ~~subsection (b) or (d) of 21-5412(b) or (d), subsection (b) or~~
35 ~~(d) of 21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of~~
36 ~~21-5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-~~

1 5505(b), and ~~subsection (b)~~ of 21-5807(b), and amendments thereto;
2 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
3 thereto; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,
4 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-
5 3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through
6 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or
7 criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
8 prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 or 21-5303,
9 and amendments thereto, of any such felony; or a crime under a law of
10 another jurisdiction which is substantially the same as such felony, has
11 been released from imprisonment for such felony, or was adjudicated as a
12 juvenile offender because of the commission of an act which, if ~~done~~
13 *committed* by an adult, would constitute the commission of such felony,
14 was not found to have been in possession of a firearm at the time of the
15 commission of the crime, and has not had the conviction of such crime
16 expunged or been pardoned for such crime. The provisions of ~~subsection~~
17 ~~(j)(2)~~ of K.S.A. 2018 Supp. 21-6614(j)(2), and amendments thereto, shall
18 not apply to an individual who has had a conviction under this paragraph
19 expunged; or

20 (B) nonperson felony under the laws of Kansas or a crime under the
21 laws of another jurisdiction which is substantially the same as such
22 nonperson felony, has been released from imprisonment for such
23 nonperson felony or was adjudicated as a juvenile offender because of the
24 commission of an act which, if ~~done~~ *committed* by an adult, would
25 constitute the commission of a nonperson felony, and was found to have
26 been in possession of a firearm at the time of the commission of the crime.

27 (b) Criminal possession of a weapon by a convicted felon is a
28 severity level-8 6, nonperson felony.

29 (c) As used in this section:

30 (1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged
31 razor or any other dangerous or deadly cutting instrument of like
32 character, ***but does not include an ordinary pocketed knife with no blade***
33 ***longer than four inches***; and

34 (2) "weapon" means a firearm, ~~ammunition~~ or a knife.

35 (d) ***This section does not apply to a person possessing a knife when***
36 ***used as a tool in connection with lawful employment or a kitchen knife***
37 ***used as intended for food preparation or consumption.***

38 Sec. 2. K.S.A. 2018 Supp. 21-6304 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its
40 publication in the statute book.