

Criminal Use of Weapons; HB 2145

HB 2145 amends the definition of “criminal use of weapons” by adding possession of a firearm by any of the following:

- Fugitives from justice;
- Aliens illegally or unlawfully in the United States;
- Persons convicted of a misdemeanor for a domestic violence offense within the past five years; and
- Persons subject to court orders restraining them from harassing, stalking, or threatening an intimate partner, child, or child of an intimate partner.

The bill also adds “throwing star” to the definition of criminal use of weapons by knowingly possessing with intent to use the same unlawfully against another, and removes “throwing star” from the definition of criminal use of weapons by knowingly selling, manufacturing, purchasing, or possessing certain items.

In addition, the bill clarifies that possession of a device or attachment designed, used, or intended for use in suppressing the report of any firearm will be exempt from the definition of “criminal use of weapons” if the device or attachment satisfies the description of a Kansas-made firearm accessory in continuing law. The provisions of this exemption apply to any violation of law pertaining to “criminal use of weapons” that occurred on or after April 25, 2013.

The bill specifies requirements for the issuance of court orders, after which the individual named in the order will be guilty of criminal use of weapons. The bill requires such court order to:

- Be issued after a noticed hearing where the individual had an opportunity to participate; and
- Include findings that such person is a credible threat to the safety of an intimate partner or child; or
- Explicitly prohibit the attempted, threatened, or actual use of physical force against an intimate partner or child that would reasonably be expected to cause bodily injury.

The bill defines “domestic violence,” “fugitive from justice,” and “intimate partner.”