AN ACT concerning firearms; relating to criminal possession, manufacturing or selling of large capacity ammunition magazines and criminal carrying of handguns with large capacity ammunition magazines; amending K.S.A. 2019 Supp. 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. 2019 Supp. 21-6301 is hereby amended to read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

1. (1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club or metal knuckles;
2. (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. (3) setting a spring gun;
4. (4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;
5. (5) 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. (6) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which that can be fired by a handgun and which that 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. (7) 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. (8) selling, giving or otherwise transferring any firearms to any person who is both addicted to and an unlawful user of a controlled substance;
(9) selling, giving or otherwise transferring any firearm to any person who is or has been a mentally ill person subject to involuntary commitment for care and treatment, as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto;

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

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

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

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

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

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

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

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

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

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

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

(ii) by its terms explicitly prohibits the use, attempted use or
threatened use of physical force against such intimate partner or child that
would reasonably be expected to cause bodily injury; or
(18) possessing any firearm by a person who, within the preceding
five years, has been convicted of a misdemeanor for a domestic violence
offense, or a misdemeanor under a law of another jurisdiction which that is
substantially the same as such misdemeanor offense; or
(19) possessing, manufacturing, causing to be manufactured, selling,
offering for sale, lending, purchasing or giving away any large capacity
ammunition magazine designed for use with a handgun whether the
person knows or has reason to know the size of the magazine.
(b) Criminal use of weapons as defined in:
(1) Subsection (a)(1), (a)(2), (a)(3), (a)(7), (a)(8), (a)(9) or (a)(12) is a
class A nonperson misdemeanor;
(2) subsection (a)(4), (a)(5), (a)(6) or (a)(19) is a severity level 9,
nonperson felony;
(3) subsection (a)(10) or (a)(11) is a class B nonperson select
misdemeanor;
(4) subsection (a)(13), (a)(15), (a)(16), (a)(17) or (a)(18) is a severity
level 8, nonperson felony; and
(5) subsection (a)(14) is a:
(A) Class A nonperson misdemeanor except as provided in subsection
(b)(5)(B);
(B) severity level 8, nonperson felony upon a second or subsequent
conviction.
(c) Subsections (a)(1), (a)(2) and (a)(5) shall not apply to:
(1) Law enforcement officers, or any person summoned by any such
officers to assist in making arrests or preserving the peace while actually
engaged in assisting such officer;
(2) wardens, superintendents, directors, security personnel and
keepers of prisons, penitentiaries, jails and other institutions for the
detention of persons accused or convicted of crime, while acting within the
scope of their authority;
(3) members of the armed services or reserve forces of the United
States or the Kansas national guard while in the performance of their
official duty; or
(4) the manufacture of, transportation to, or sale of weapons to a
person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess
such weapons.
(d) Subsections (a)(4) and (a)(5) shall not apply to any person who
sells, purchases, possesses or carries a firearm, device or attachment which
that has been rendered unserviceable by steel weld in the chamber and
marriage weld of the barrel to the receiver and which that has been
registered in the national firearms registration and transfer record in
compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

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

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

(1) Assigned by the head of such officer's law enforcement agency to a tactical unit which receives specialized, regular training;
(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(4); and
(3) in possession of commercially manufactured devices which are:
    (A) Owned by the law enforcement agency;
    (B) in such officer's possession only during specific operations; and
    (C) approved by the bureau of alcohol, tobacco, firearms and explosives of the United States department of justice.

(g) Subsections (a)(4), (a)(5), (a)(6) and (a)(19) shall not apply to any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsections (a)(4), (a)(5) and (a)(6) and (a)(19) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory.

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

(i) (1) Subsection (a)(4) shall not apply to or affect any person in possession of a device or attachment designed, used or intended for use in suppressing the report of any firearm, if such device or attachment satisfies the description of a Kansas-made firearm accessory as set forth in K.S.A. 2019 Supp. 50-1204, and amendments thereto.
(2) The provisions of this subsection shall apply to any violation of subsection (a)(4) that occurred on or after April 25, 2013.

(j) Subsection (a)(11) shall not apply to:

(1) Possession of any firearm in connection with a firearms safety course of instruction or firearms education course approved and authorized by the school;
(2) possession of any firearm specifically authorized in writing by the superintendent of any unified school district or the chief administrator of any accredited nonpublic school;
(3) possession of a firearm secured in a motor vehicle by a parent, guardian, custodian or someone authorized to act in such person's behalf
who is delivering or collecting a student; or
(4) possession of a firearm secured in a motor vehicle by a registered
voter who is on the school grounds which contain a polling place for
the purpose of voting during polling hours on an election day; or
(5) possession of a concealed handgun by an individual who is not
prohibited from possessing a firearm under either federal or state law.
(k) Subsections (a)(9) and (a)(13) shall not apply to a person who has
received a certificate of restoration pursuant to K.S.A. 75-7c26, and
amendments thereto.
(l) Subsection (a)(14) shall not apply if such person, less than 18
years of age, was:
(1) In attendance at a hunter's safety course or a firearms safety
course;
(2) engaging in practice in the use of such firearm or target shooting
at an established range authorized by the governing body of the
jurisdiction in which such range is located, or at another private range with
permission of such person's parent or legal guardian;
(3) engaging in an organized competition involving the use of such
firearm, or participating in or practicing for a performance by an
organization exempt from federal income tax pursuant to section 501(c)(3)
of the internal revenue code of 1986 which uses firearms as a part of
such performance;
(4) hunting or trapping pursuant to a valid license issued to such
person pursuant to article 9 of chapter 32 of the Kansas Statutes
Annotated, and amendments thereto;
(5) traveling with any such firearm in such person's possession being
unloaded to or from any activity described in subsections (l)(1) through (l)
(4), only if such firearm is secured, unloaded and outside the immediate
access of such person;
(6) on real property under the control of such person's parent, legal
guardian or grandparent and who has the permission of such parent, legal
guardian or grandparent to possess such firearm; or
(7) at such person's residence and who, with the permission of such
person's parent or legal guardian, possesses such firearm for the purpose of
exercising the rights contained in K.S.A. 2019 Supp. 21-5222, 21-5223 or
21-5225, and amendments thereto.
(m) As used in this section:
(1) "Domestic violence" means the use or attempted use of physical
force, or the threatened use of a deadly weapon, committed against a
person with whom the offender is involved or has been involved in a
dating relationship or is a family or household member.
(2) "Fugitive from justice" means any person having knowledge that
a warrant for the commission of a felony has been issued for the
apprehension of such person under K.S.A. 22-2713, and amendments thereto.

(3) "Handgun" means a firearm that is designed to be fired by the use of a single hand.

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

(5) "Large capacity ammunition magazine" means an ammunition feeding device that physically extends below the bottom of the grip of a handgun when fully seated into such handgun.

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

Sec. 2. K.S.A. 2019 Supp. 21-6302 is hereby amended to read as follows: 21-6302. (a) Criminal carrying of a weapon is knowingly carrying:

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

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

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

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

(5) a shotgun with a barrel less than 18 inches in length or any other 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; or

(6) a handgun with a large capacity ammunition magazine whether the person knows or has reason to know the size of the magazine.

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

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

(2) subsection (a)(5) or (a)(6) is a severity level 9, nonperson felony.

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

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

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

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

(d) Subsection (a)(5) shall not apply to:

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

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

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

(e) As used in this section, the terms "handgun," "large capacity ammunition magazine" and "throwing star" have the same meaning as such terms are defined in K.S.A. 2019 Supp. 21-6301, and amendments thereto.

Sec. 3. K.S.A. 2019 Supp. 21-6301 and 21-6302 are hereby repealed.

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