Session of 2019

SENATE BILL No. 80

By Committee on Judiciary

2-1

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

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

Section 1. K.S.A. 2018 Supp. 21-6304 is hereby amended to read as
follows: 21-6304. (a) Criminal possession of a weapon by a convicted
felon is possession of any weapon by a person who:
(1) Has been convicted of a person felony or a violation of article 57
of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or
any violation of any provision of the uniform controlled substances act
prior to July 1, 2009, or a crime under a law of another jurisdiction which
is substantially the same as such felony or violation, or was adjudicated a
juvenile offender because of the commission of an act which, if done
committed by an adult, would constitute the commission of a person felony
or a violation of article 57 of chapter 21 of the Kansas Statutes Annotated,
and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17,
prior to their transfer, or any violation of any provision of the uniform
controlled substances act prior to July 1, 2009, and was found to have been
in possession of a firearm at the time of the commission of the crime;
(2) within the preceding five years has been convicted of a felony,
other than those specified in subsection (a)(3)(A), under the laws of
Kansas or a crime under a law of another jurisdiction which is
substantially the same as such felony, has been released from
imprisonment for a felony or was adjudicated as a juvenile offender
because of the commission of an act which, if done committed by an adult,
would constitute the commission of a felony, and was not found to have
been in possession of a firearm at the time of the commission of the crime;
or
(3) within the preceding 10 years, has been convicted of a:
(A) Felony under K.S.A. 2018 Supp. 21-5402, 21-5403, 21-5404, 21-
5405, 21-5408, subsection (b) or (d) of 21-5412(b) or (d), subsection (b) or
(d) of 21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of
21-5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-
5505(b), and subsection (b) of 21-5807(b), and amendments thereto; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such felony; or a crime under a law of another jurisdiction which is substantially the same as such felony, has been released from imprisonment for such felony, or was adjudicated as a juvenile offender because of the commission of an act which, if done committed by an adult, would constitute the commission of such felony, was not found to have been in possession of a firearm at the time of the commission of the crime, and has not had the conviction of such crime expunged or been pardoned for such crime. The provisions of subsection (j)(2) of K.S.A. 2018 Supp. 21-6614(j)(2), and amendments thereto, shall not apply to an individual who has had a conviction under this paragraph expunged; or

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

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

(c) As used in this section:

(1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged razor or any other dangerous or deadly cutting instrument of like character; and

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

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

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