

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2199

By Representatives Rubin, Alford, Boldra, Bradford, Brunk, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Couture-Lovelady, Crum, DeGraaf, Edwards, Esau, Garber, Goico, Gonzalez, Grosserode, Hedke, Henry, Hermanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Jones, Kelley, Macheers, Mast, McPherson, Montgomery, O'Brien, Osterman, Pauls, Peck, Petty, Read, Rothlisberg, Ryckman Sr., Sawyer, Schwab, Sutton, Todd, Waymaster and Whipple

2-1

1 AN ACT enacting the second amendment protection act.

2

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

4 Section 1. Sections 1 through ~~10~~ 10, and amendments thereto, may be
5 cited as the second amendment protection act.

6 Sec. 2. The legislature declares that the authority for sections 1
7 through ~~10~~ 10, 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 second amendment to the constitution of the United States
26 reserves to the people, individually, the right to keep and bear arms as that
27 right was understood at the time that Kansas was admitted to statehood in
28 1861, and the guaranty of that right is a matter of contract between the
29 state and people of Kansas and the United States as of the time that the
30 compact with the United States was agreed upon and adopted by Kansas in
31 1859 and the United States in 1861.

1 (d) Section 4 of the bill of rights of the constitution of the state of
2 Kansas clearly secures to Kansas citizens, and prohibits government
3 interference with, the right of individual Kansas citizens to keep and bear
4 arms. This constitutional protection is unchanged from the constitution of
5 the state of Kansas, which was approved by congress and the people of
6 Kansas, and the right exists as it was understood at the time that the
7 compact with the United States was agreed upon and adopted by Kansas in
8 1859 and the United States in 1861.

9 Sec. 3. As used in sections 1 through ~~10~~ **10**, and amendments thereto,
10 the following definitions apply:

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

13 (b) "Firearms accessories" means items that are used in conjunction
14 with or mounted upon a firearm but are not essential to the basic function
15 of a firearm, including, but not limited to, telescopic or laser sights,
16 magazines, flash or sound suppressors, collapsible or adjustable stocks and
17 grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers
18 and lights for target illumination.

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

21 (d) "Manufacture" means to assemble using multiple components to
22 create a more useful finished product.

23 Sec. 4. (a) A personal firearm, a firearm accessory or ammunition that
24 is ~~owned or~~ manufactured commercially or privately **and owned** in
25 Kansas and that remains within the borders of Kansas is not subject to any
26 federal law, treaty, federal regulation, or federal executive action,
27 including any federal firearm or ammunition registration program, under
28 the authority of congress to regulate interstate commerce. It is declared by
29 the legislature that those items have not traveled in interstate commerce.
30 This section applies to a firearm, a firearm accessory or ammunition that is
31 ~~owned or~~ manufactured **commercially or privately and owned** in the
32 state of Kansas.

33 (b) Component parts ~~that have multiple manufacturing or consumer~~
34 ~~product applications~~ are not firearms, firearms accessories or ammunition,
35 and their importation into Kansas and incorporation into a firearm, a
36 firearm accessory or ammunition manufactured **and owned** in Kansas
37 does not subject the firearm, firearm accessory or ammunition to federal
38 regulation. It is declared by the legislature that such component parts are
39 not firearms, firearms accessories or ammunition and are not subject to
40 congressional authority to regulate firearms, firearms accessories and
41 ammunition under interstate commerce as if they were actually firearms,
42 firearms accessories or ammunition.

43 (c) Firearms accessories that are imported into Kansas from another

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

5 Sec. 5. A firearm manufactured in Kansas within the meaning of
6 sections 1 through ~~10~~, and amendments thereto, must have the words
7 "Made in Kansas" clearly stamped on a central metallic part, such as the
8 receiver or frame.

9 Sec. 6. (a) Any act, law, treaty, order, rule or regulation of the
10 government of the United States which violates the second amendment to
11 the constitution of the United States is null, void and unenforceable in the
12 state of Kansas.

13 (b) No official, agent or employee of the state of Kansas, ~~nor any~~
14 ~~dealer selling any firearm in the state of Kansas, or any political~~
15 **subdivision thereof**, shall enforce or attempt to enforce any act, law,
16 treaty, order, rule or regulation of the government of the United States
17 regarding any personal firearm, firearm accessory or ammunition that is
18 ~~owned or~~ manufactured commercially or privately **and owned** in the state
19 of Kansas and that remains within the borders of Kansas.

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

28 Sec. 8. Sections 1 through ~~10~~, and amendments thereto, do not
29 apply to: (a) A firearm that cannot be carried and used by one person;

30 (b) ammunition with a projectile that explodes using an explosion of
31 chemical energy after the projectile leaves the firearm; or

32 (c) other than shotguns, a firearm that discharges two or more
33 projectiles with one activation of the trigger or other firing device.

34 ~~Sec. 9. No physician, other than a psychiatrist, shall inquire of any~~
35 ~~patient in conjunction with obtaining the patient's personal information and~~
36 ~~medical history, whether the patient has any firearms in such patient's~~
37 ~~home or on such patient's property and shall not require such information~~
38 ~~before providing treatment.~~

39 ~~Sec. 9.~~ Sections 1 through ~~10~~, and amendments thereto, apply
40 to firearms, firearms accessories and ammunition that are ~~owned or~~
41 ~~manufactured~~, as defined in section 3, and amendments thereto, **owned**
42 and remain within the borders of Kansas on and after October 1, 2009.

43 ~~Sec. 10.~~ If any provision of sections 1 through ~~9~~, and

1 amendments thereto, or the application to any persons or circumstances is
2 held to be invalid, such invalidity shall not affect the other provisions or
3 application of sections 1 through ~~10~~ **9**, and amendments thereto, and to this
4 end the provisions of section 1 through ~~10~~ **9**, and amendments thereto, are
5 declared to be severable.

6 ~~Sec. 12.~~ **11.** This act shall take effect and be in force from and after its
7 publication in the Kansas register.