AN ACT enacting the second amendment protection act.

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

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

Sec. 2. The legislature declares that the authority for sections 1 through 10, and amendments thereto, is the following:

(a) The tenth amendment to the constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Kansas certain powers as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those powers is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(b) The ninth amendment to the constitution of the United States guarantees to the people rights not granted in the constitution and reserves to the people of Kansas certain rights as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those rights is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(c) The second amendment to the constitution of the United States reserves to the people, individually, the right to keep and bear arms as that right was understood at the time that Kansas was admitted to statehood in 1861, and the guaranty of that right is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.
(d) Section 4 of the bill of rights of the constitution of the state of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms. This constitutional protection is unchanged from the constitution of the state of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

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

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

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

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

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

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

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

(c) Firearms accessories that are imported into Kansas from another
state and that are subject to federal regulation as being in interstate
commerce do not subject a firearm to federal regulation under interstate
commerce because they are attached to or used in conjunction with a
firearm in Kansas.

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

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

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

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

Sec. 8. Sections 1 through 10, and amendments thereto, do not
apply to: (a) A firearm that cannot be carried and used by one person;
(b) ammunition with a projectile that explodes using an explosion of
chemical energy after the projectile leaves the firearm; or
(c) other than shotguns, a firearm that discharges two or more
projectiles with one activation of the trigger or other firing device.

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

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

Sec. 11. If any provision of sections 1 through 10, and
amendments thereto, or the application to any persons or circumstances is held to be invalid, such invalidity shall not affect the other provisions or application of sections 1 through 9, and amendments thereto, and to this end the provisions of section 1 through 9, and amendments thereto, are declared to be severable.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.