AN ACT concerning crimes, punishment and criminal procedure; relating
to the criminal use of weapons; amending K.S.A. 2016 Supp. 21-6301
and repealing the existing section.

WHEREAS, The provisions of K.S.A. 2016 Supp. 21-6301(a) and (b),
as amended by this act, shall be known and may be cited as the Kansas
protection against terrorist act.

Now, therefore:

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

Section 1. K.S.A. 2016 Supp. 21-6301 is hereby amended to read as
follows: 21-6301. (a) Criminal use of weapons is knowingly:
(1) Selling, manufacturing, purchasing or possessing any bludgeon, sand club, metal knuckles or throwing star;
(2) possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character;
(3) setting a spring gun;
(4) possessing any device or attachment of any kind designed, used or intended for use in suppressing the report of any firearm;
(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) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which 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) 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) 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; or

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

(15) selling, giving or otherwise transferring any firearm to any person who is identified in the terrorist screening database, or any successor list or database, maintained and operated by the United States federal bureau of investigation.

(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) or (a)(6) is a severity level 9, nonperson felony;

(3) subsection (a)(10) or (a)(11) is a class B nonperson select misdemeanor;

(4) subsection (a)(9), (a)(13) or (a)(15) 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
has been rendered unserviceable by steel weld in the chamber and
marriage weld of the barrel to the receiver and which 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) and (a)(6) 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) 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) 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.

(j) Subsections (a)(9) and (a)(13) shall not apply to a person who has
received a certificate of restoration pursuant to K.S.A. 2016 Supp. 75-
7c26, and amendments thereto.

(k) 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 (k)(1) through (k)(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. 2016 Supp. 21-5222, 21-5223 or 21-5225, and amendments thereto.

(l) As used in this section, "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. 2016 Supp. 21-6301 is hereby repealed.

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