

KANSAS OFFICE *of*
REVISOR *of* STATUTES
LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Estes and Members of the Committee on Federal and State Affairs
From: Matt Sterling, Assistant Revisor of Statutes
Date: March 5, 2018
RE: House Bill 2498

HB 2498 would declare the state's commitment to preserving Native Americans' cultural integrity and the intent to help further the recognition of its distinct and unique cultural heritage. The bill would prohibit state agencies and municipalities from prohibiting an individual from wearing traditional tribal regalia or objects of cultural significance at public events. The bill defines "public events" as events that are held or sponsored by a state agency or municipality, including award ceremonies and meetings of a governing body.

{As Amended by House Committee of the Whole}

Session of 2017

HOUSE BILL No. 2145

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to firearms, unlawful possession thereof; amending K.S.A. ~~2016~~ {2017}
3 Supp. 21-6301 and repealing the existing section.
4

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

6 Section 1. K.S.A. ~~2016~~ {2017} Supp. 21-6301 is hereby amended to
7 read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

8 (1) Selling, manufacturing, purchasing or possessing any bludgeon,
9 sand club, metal knuckles or throwing star;

10 (2) possessing with intent to use the same unlawfully against another,
11 a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged
12 razor, stiletto or any other dangerous or deadly weapon or instrument of
13 like character;

14 (3) setting a spring gun;

15 (4) possessing any device or attachment of any kind designed, used or
16 intended for use in suppressing the report of any firearm;

17 (5) selling, manufacturing, purchasing or possessing a shotgun with a
18 barrel less than 18 inches in length, or any firearm designed to discharge or
19 capable of discharging automatically more than once by a single function
20 of the trigger, whether the person knows or has reason to know the length
21 of the barrel or that the firearm is designed or capable of discharging
22 automatically;

23 (6) possessing, manufacturing, causing to be manufactured, selling,
24 offering for sale, lending, purchasing or giving away any cartridge which
25 can be fired by a handgun and which has a plastic-coated bullet that has a
26 core of less than 60% lead by weight, whether the person knows or has
27 reason to know that the plastic-coated bullet has a core of less than 60%
28 lead by weight;

29 (7) selling, giving or otherwise transferring any firearm with a barrel
30 less than 12 inches long to any person under 18 years of age whether the
31 person knows or has reason to know the length of the barrel;

32 (8) selling, giving or otherwise transferring any firearms to any
33 person who is both addicted to and an unlawful user of a controlled
34 substance;

35 (9) selling, giving or otherwise transferring any firearm to any person
36 who is or has been a mentally ill person subject to involuntary

exempting certain suppressors;

1 at an established range authorized by the governing body of the
2 jurisdiction in which such range is located, or at another private range with
3 permission of such person's parent or legal guardian;

4 (3) engaging in an organized competition involving the use of such
5 firearm, or participating in or practicing for a performance by an
6 organization exempt from federal income tax pursuant to section 501(c)(3)
7 of the internal revenue code of 1986 which uses firearms as a part of such
8 performance;

9 (4) hunting or trapping pursuant to a valid license issued to such
10 person pursuant to article 9 of chapter 32 of the Kansas Statutes
11 Annotated, and amendments thereto;

12 (5) traveling with any such firearm in such person's possession being
13 unloaded to or from any activity described in subsections ~~(4)(1)~~ through
14 ~~(4)(4)~~, only if such firearm is secured, unloaded and outside the immediate
15 access of such person;

16 (6) on real property under the control of such person's parent, legal
17 guardian or grandparent and who has the permission of such parent, legal
18 guardian or grandparent to possess such firearm; or

19 (7) at such person's residence and who, with the permission of such
20 person's parent or legal guardian, possesses such firearm for the purpose of
21 exercising the rights contained in K.S.A. ~~2016~~ {2017} Supp. 21-5222, 21-
22 5223 or 21-5225, and amendments thereto.

23 ~~(4)~~ As used in this section:-

24 (1) "Domestic violence" means the use or attempted use of physical
25 force, or the threatened use of a deadly weapon, committed by-

26 ~~(A) A current or former spouse, parent or legal guardian of the-~~
27 ~~victim;~~

28 ~~(B) a person with whom the victim shares a child in common;~~

29 ~~(C) a person who is cohabitating with or has cohabitated with the-~~
30 ~~victim as a spouse, parent or legal guardian; or~~

31 ~~(D) a person similarly situated to a spouse, parent or legal guardian-~~
32 ~~of the victim {against a person with whom the offender is involved or~~
33 ~~has been involved in a dating relationship or is a family or household~~
34 ~~member}.~~

35 (2) "Fugitive from justice" means any person having knowledge that
36 a warrant for the commission of a felony has been issued for the
37 apprehension of such person under K.S.A. 22-2713, and amendments
38 thereto.

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

43 (4) "Throwing star" means any instrument, without handles,

(1)(1)

(1)(4)

(m)

{As Amended by House Committee of the Whole}

Session of 2017

HOUSE BILL No. 2145

By Committee on Federal and State Affairs

1-24

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to firearms, unlawful possession thereof; amending K.S.A. ~~2016~~ {2017}
3 Supp. 21-6301 and repealing the existing section.
4

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

6 Section 1. K.S.A. ~~2016~~ {2017} Supp. 21-6301 is hereby amended to
7 read as follows: 21-6301. (a) Criminal use of weapons is knowingly:

8 (1) Selling, manufacturing, purchasing or possessing any bludgeon,
9 sand club, metal knuckles ~~or throwing star~~; or

10 (2) possessing with intent to use the same unlawfully against another,
11 a dagger, dirk, billy, blackjack, slungshot, dangerous knife, straight-edged
12 razor, ~~stiletto or any other dangerous or deadly weapon or instrument of~~
13 like character; throwing star,

14 (3) setting a spring gun;

15 (4) possessing any device or attachment of any kind designed, used or
16 intended for use in suppressing the report of any firearm;

17 (5) selling, manufacturing, purchasing or possessing a shotgun with a
18 barrel less than 18 inches in length, or any firearm designed to discharge or
19 capable of discharging automatically more than once by a single function
20 of the trigger, whether the person knows or has reason to know the length
21 of the barrel or that the firearm is designed or capable of discharging
22 automatically;

23 (6) possessing, manufacturing, causing to be manufactured, selling,
24 offering for sale, lending, purchasing or giving away any cartridge which
25 can be fired by a handgun and which has a plastic-coated bullet that has a
26 core of less than 60% lead by weight, whether the person knows or has
27 reason to know that the plastic-coated bullet has a core of less than 60%
28 lead by weight;

29 (7) selling, giving or otherwise transferring any firearm with a barrel
30 less than 12 inches long to any person under 18 years of age whether the
31 person knows or has reason to know the length of the barrel;

32 (8) selling, giving or otherwise transferring any firearms to any
33 person who is both addicted to and an unlawful user of a controlled
34 substance;

35 (9) selling, giving or otherwise transferring any firearm to any person
36 who is or has been a mentally ill person subject to involuntary