

SENATE BILL No. 149

By Senators Merrick, Abrams, Bruce, Marshall, Masterson, Olson, Ostmeyer,
Petersen and Pilcher-Cook

2-8

1 AN ACT enacting the Kansas firearms freedom act.

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

4 Section 1. Sections 1 through 7, and amendments thereto, may be
5 cited as the Kansas firearms freedom act.

6 Sec. 2. The legislature declares that the authority for sections 1
7 through 7, 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
19 reserves to the people of Kansas certain rights as they were understood at
20 the time that Kansas was admitted to statehood in 1861. The guaranty of
21 those rights is a matter of contract between the state and people of Kansas
22 and the United States as of the time that the compact with the United
23 States was agreed upon and adopted by Kansas in 1859 and the United
24 States in 1861.

25 (c) The regulation of intrastate commerce is vested in the states
26 under the ninth and tenth amendments to the constitution of the United
27 States.

28 (d) The second amendment to the constitution of the United States
29 reserves to the people the right to keep and bear arms as that right was
30 understood at the time that Kansas was admitted to statehood in 1861,
31 and the guaranty of the right is a matter of contract between the state and
32 people of Kansas and the United States as of the time that the compact
33 with the United States was agreed upon and adopted by Kansas in 1859
34 and the United States in 1861.

35 (e) Section 4 of the bill of rights of the constitution of the state of

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

8 Sec. 3. As used in sections 1 through 7, and amendments thereto, the
9 following definitions apply:

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

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

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

20 (d) "Manufactured" means that a firearm, a firearm accessory or
21 ammunition has been created from basic materials for functional
22 usefulness, including, but not limited to, forging, casting, machining or
23 other processes for working materials.

24 Sec. 4. (a) A personal firearm, a firearm accessory or ammunition
25 that is manufactured commercially or privately in Kansas and that
26 remains within the borders of Kansas is not subject to federal law or
27 federal regulation, including registration, under the authority of congress
28 to regulate interstate commerce. It is declared by the legislature that those
29 items have not traveled in interstate commerce. This section applies to a
30 firearm, a firearm accessory or ammunition that is manufactured in
31 Kansas from basic materials and that can be manufactured without the
32 inclusion of any significant parts imported from another state.

33 (b) Generic and insignificant parts that have other manufacturing or
34 consumer product applications are not firearms, firearms accessories or
35 ammunition, and their importation into Kansas and incorporation into a
36 firearm, a firearm accessory or ammunition manufactured in Kansas does
37 not subject the firearm, firearm accessory or ammunition to federal
38 regulation. It is declared by the legislature that basic materials, such as
39 unmachined steel and unshaped wood, are not firearms, firearms
40 accessories or ammunition and are not subject to congressional authority
41 to regulate firearms, firearms accessories and ammunition under interstate
42 commerce as if they were actually firearms, firearms accessories or
43 ammunition.

1 (c) The authority of congress to regulate interstate commerce in
2 basic materials does not include authority to regulate firearms, firearms
3 accessories and ammunition made in Kansas from those materials.
4 Firearms accessories that are imported into Kansas from another state and
5 that are subject to federal regulation as being in interstate commerce do
6 not subject a firearm to federal regulation under interstate commerce
7 because they are attached to or used in conjunction with a firearm in
8 Kansas.

9 Sec. 5. Section 4, and amendments thereto, does not apply to:

10 (a) A firearm that cannot be carried and used by one person;

11 (b) a firearm that has a bore diameter greater than 1 1/2 inches and
12 that uses smokeless powder, not black powder, as a propellant;

13 (c) ammunition with a projectile that explodes using an explosion of
14 chemical energy after the projectile leaves the firearm; or

15 (d) other than shotguns, a firearm that discharges two or more
16 projectiles with one activation of the trigger or other firing device.

17 Sec. 6. A firearm manufactured or sold in Kansas under sections 1
18 through 7, and amendments thereto, must have the words "Made in
19 Kansas" clearly stamped on a central metallic part, such as the receiver or
20 frame.

21 Sec. 7. Sections 1 through 7, and amendments thereto, apply to
22 firearms, firearms accessories and ammunition that are manufactured, as
23 defined in section 3, and amendments thereto, and retained in Kansas on
24 and after October 1, 2009.

25 Sec. 8. This act shall take effect and be in force from and after its
26 publication in the Kansas register.

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