AN ACT enacting the second amendment protection act.

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

Section 1. Sections 1 through 11, and amendments thereto, may be cited as the second amendment protection act.

Sec. 2. The legislature declares that the authority for sections 1 through 11, 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 11, 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,
spings, 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
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 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 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 11, 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, 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 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 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 11, 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 11, and amendments thereto, apply to firearms, firearms accessories and ammunition that are owned or manufactured, as defined in section 3, and amendments thereto, 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 10, and amendments thereto, and to this end the
provisions of section 1 through 10, and amendments thereto, are declared
to be severable.

Sec. 12. This act shall take effect and be in force from and after its
publication in the Kansas register.