

1 **As Amended by House Committee**

2 *Session of 2002*

3  
4 **HOUSE BILL No. 2643**

5  
6 By Committee on Appropriations

7  
8 1-16

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10 AN ACT concerning crimes, criminal procedure and punishment; relat-  
11 ing to criminal use of weapons; amending K.S.A. 2001 Supp. 21-4201  
12 and repealing the existing section.

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

15 Section 1. K.S.A. 2001 Supp. 21-4201 is hereby amended to read as  
16 follows: 21-4201. (a) Criminal use of weapons is knowingly:

17 (1) Selling, manufacturing, purchasing, possessing or carrying any  
18 bludgeon, sandclub, metal knuckles or throwing star, or any knife, com-  
19 monly referred to as a switch-blade, which has a blade that opens auto-  
20 matically by hand pressure applied to a button, spring or other device in  
21 the handle of the knife, or any knife having a blade that opens or falls or  
22 is ejected into position by the force of gravity or by an outward, downward  
23 or centrifugal thrust or movement;

24 (2) carrying concealed on one's person, or possessing with intent to  
25 use the same unlawfully against another, a dagger, dirk, billy, blackjack,  
26 slung shot, dangerous knife, straight-edged razor, stiletto or any other  
27 dangerous or deadly weapon or instrument of like character, except that  
28 an ordinary pocket knife with no blade more than four inches in length  
29 shall not be construed to be a dangerous knife, or a dangerous or deadly  
30 weapon or instrument;

31 (3) carrying on one's person or in any land, water or air vehicle, with  
32 intent to use the same unlawfully, a tear gas or smoke bomb or projector  
33 or any object containing a noxious liquid, gas or substance;

34 (4) carrying any pistol, revolver or other firearm concealed on one's  
35 person except when on the person's land or in the person's abode or fixed  
36 place of business;

37 (5) setting a spring gun;

38 (6) possessing any device or attachment of any kind designed, used  
39 or intended for use in ~~silencing~~ **suppressing** the report of any firearm;

40 (7) selling, manufacturing, purchasing, possessing or carrying a shot-  
41 gun with a barrel less than 18 inches in length or any other firearm de-  
42 signed to discharge or capable of discharging automatically more than  
43 once by a single function of the trigger; or

1 (8) possessing, manufacturing, causing to be manufactured, selling,  
2 offering for sale, lending, purchasing or giving away any cartridge which  
3 can be fired by a handgun and which has a plastic-coated bullet that has  
4 a core of less than 60% lead by weight.

5 (b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect  
6 any of the following:

7 (1) Law enforcement officers, or any person summoned by any such  
8 officers to assist in making arrests or preserving the peace while actually  
9 engaged in assisting such officer;

10 (2) wardens, superintendents, directors, security personnel and keep-  
11 ers of prisons, penitentiaries, jails and other institutions for the detention  
12 of persons accused or convicted of crime, while acting within the scope  
13 of their authority;

14 (3) members of the armed services or reserve forces of the United  
15 States or the Kansas national guard while in the performance of their  
16 official duty; or

17 (4) manufacture of, transportation to, or sale of weapons to a person  
18 authorized under subsections (b)(1), (2) and (3) to possess such weapons.

19 (c) Subsection (a)(4) shall not apply to or affect the following:

20 (1) Watchmen, while actually engaged in the performance of the du-  
21 ties of their employment;

22 (2) licensed hunters or fishermen, while engaged in hunting or  
23 fishing;

24 (3) private detectives licensed by the state to carry the firearm in-  
25 volved, while actually engaged in the duties of their employment;

26 (4) detectives or special agents regularly employed by railroad com-  
27 panies or other corporations to perform full-time security or investigative  
28 service, while actually engaged in the duties of their employment;

29 (5) the state fire marshal, the state fire marshal's deputies or any  
30 member of a fire department authorized to carry a firearm pursuant to  
31 K.S.A. 31-157 and amendments thereto, while engaged in an investigation  
32 in which such fire marshal, deputy or member is authorized to carry a  
33 firearm pursuant to K.S.A. 31-157 and amendments thereto; or

34 (6) special deputy sheriffs described in K.S.A. 2001 Supp. 19-827,  
35 *and amendments thereto*, who have satisfactorily completed the basic  
36 course of instruction required for permanent appointment as a part-time  
37 law enforcement officer under K.S.A. 74-5607a and amendments thereto.

38 (d) Subsections (a)(1), (6) and (7) shall not apply to any person who  
39 sells, purchases, possesses or carries a firearm, device or attachment  
40 which has been rendered unserviceable by steel weld in the chamber and  
41 marriage weld of the barrel to the receiver and which has been registered  
42 in the national firearms registration and transfer record in compliance  
43 with 26 U.S.C. 5841 *et seq.* in the name of such person and, if such person

1 transfers such firearm, device or attachment to another person, has been  
2 so registered in the transferee's name by the transferor.

3 (e) Subsection (a)(8) shall not apply to a governmental laboratory or  
4 solid plastic bullets.

5 (f) *Subsection (a)(6) shall not apply to law enforcement officers who*  
6 *are assigned* **a law enforcement officer who is:**

7 **(1) Assigned** by the head of such officer's law enforcement agency to  
8 a tactical unit which receives specialized, regular training ~~and are;~~

9 **(2) designated by the head of such officer's law enforcement**  
10 **agency to possess devices described in subsection (a)(6); and**

11 **(3) in possession of commercially manufactured devices which are**  
12 ~~owned:~~ **(A) Owned** by the law enforcement agency ~~and;~~ **(B) in such**  
13 **officer's possession only during specific operations; and (C) ap-**  
14 **proved by the bureau of alcohol, tobacco and firearms of the United States**  
15 **department of justice.**

16 (g) It shall be a defense that the defendant is within an exemption.

17 ~~(g)~~ (h) Violation of subsections (a)(1) through (a)(5) is a class A non-  
18 person misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a  
19 severity level 9, nonperson felony.

20 ~~(h)~~ (i) As used in this section, "throwing star" means any instrument,  
21 without handles, consisting of a metal plate having three or more radiating  
22 points with one or more sharp edges and designed in the shape of a  
23 polygon, trefoil, cross, star, diamond or other geometric shape, manufac-  
24 tured for use as a weapon for throwing.

25 Sec. 2. K.S.A. 2001 Supp. 21-4201 is hereby repealed.

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

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