

**SENATE BILL No. 551**

By Committee on Federal and State Affairs

3-13

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1 AN ACT concerning crimes, punishment and criminal procedure; creating  
2 the crime of unlawful storage of a firearm; providing criminal penalties  
3 for violations thereof.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) (1) Unlawful storage of a firearm is storing or keeping  
7 any:

8 (A) Handgun, rifle, shotgun or any other firearm in any place unless  
9 such firearm is secured in a locked container or equipped with a tamper-  
10 resistant mechanical lock or other safety device, properly engaged so as to  
11 render the firearm inoperable by any person other than the owner or other  
12 lawfully authorized user; or

13 (B) stun gun in any place unless the stun gun is secured in a locked  
14 container accessible only to the owner or other lawfully authorized user.

15 (2) A firearm or stun gun shall be considered stored or kept if carried  
16 by or otherwise under the immediate control of the owner of such firearm  
17 or stun gun or other lawfully authorized user.

18 (b) Violation of subsection (a)(1) is:

19 (1) Except as otherwise provided in paragraphs (2), (3) and (4), an  
20 unclassified misdemeanor punishable only by a fine of not more than  
21 \$1,000;

22 (2) except as otherwise provided in paragraphs (3) and (4), an  
23 unclassified misdemeanor punishable only by a fine of not more than  
24 \$2,000 if the firearm being stored or kept has a high capacity ammunition  
25 magazine;

26 (3) except as otherwise provided in paragraph (4), a severity level 9,  
27 nonperson felony if the firearm being stored or kept is accessed by a  
28 person under 18 years of age or by a person who is not a lawfully  
29 authorized user; and

30 (4) a severity level 8, nonperson felony if the firearm being stored or  
31 kept is accessed and used by a person under 18 years of age or by a person  
32 who is not a lawfully authorized user and such use results in injury to or  
33 the death of any person.

34 (c) A violation of this section shall be evidence of wanton or reckless  
35 conduct in any criminal or civil proceeding if a person under 18 years of  
36 age who was not a trespasser or was a foreseeable trespasser acquired

1 access to a firearm or stun gun and such access results in the personal  
2 injury to or the death of any person.

3 (d) This section shall not apply to the storage or keeping of any  
4 handgun, rifle, shotgun or other firearm with matchlock, flintlock,  
5 percussion cap or similar type of ignition system manufactured in or prior  
6 to the year 1899, or to any replica of any such firearm if such replica is not  
7 designed or redesigned for using rimfire or conventional centerfire fixed  
8 ammunition.

9 (e) As used in this section, "high capacity ammunition magazine"  
10 means an ammunition feeding device that physically extends below the  
11 bottom of the grip of a firearm when fully seated into such firearm.

12 (f) This section shall be a part of and supplemental to the Kansas  
13 criminal code.

14 Sec. 2. This act shall take effect and be in force from and after its  
15 publication in the statute book.