

HOUSE BILL No. 2910

By Committee on Judiciary

2-14

9 AN ACT concerning crimes and punishment; relating to criminal pos-
10 session of a firearm; amending K.S.A. 2005 Supp. 21-4204 and re-
11 pealing the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 21-4204 is hereby amended to read as
15 follows: 21-4204. (a) Criminal possession of a firearm is:

16 (1) Possession of any firearm by a person who is both addicted to and
17 an unlawful user of a controlled substance;

18 (2) possession of any firearm by a person who has been convicted of
19 a person felony or a violation of any provision of the uniform controlled
20 substances act under the laws of Kansas or a crime under a law of another
21 jurisdiction which is substantially the same as such felony or violation, or
22 was adjudicated a juvenile offender because of the commission of an act
23 which if done by an adult would constitute the commission of a person
24 felony or a violation of any provision of the uniform controlled substances
25 act, and was found to have been in possession of a firearm at the time of
26 the commission of the offense;

27 (3) possession of any firearm by a person who, within the preceding
28 five years has been convicted of a felony, other than those specified in
29 subsection (a)(4)(A), under the laws of Kansas or a crime under a law of
30 another jurisdiction which is substantially the same as such felony, has
31 been released from imprisonment for a felony or was adjudicated as a
32 juvenile offender because of the commission of an act which if done by
33 an adult would constitute the commission of a felony, and was found not
34 to have been in possession of a firearm at the time of the commission of
35 the offense;

36 (4) possession of any firearm by a person who, within the preceding
37 10 years:-

38 (A) (i) Has been convicted of: ~~(A)~~ (a) A felony under K.S.A. 21-3401,
39 21-3402, 21-3403, 21-3404, 21-3410, 21-3411, 21-3414, 21-3415, 21-
40 3419, 21-3420, 21-3421, 21-3427, 21-3502, 21-3506, 21-3518, 21-3716,
41 65-4127a or 65-4127b, ~~or 65-4159~~, 65-4160 through 65-4164, 65-7006 or
42 K.S.A. 2005 Supp. 21-3442, and amendments thereto, or (b) a crime
43 under a law of another jurisdiction which is substantially the same as such

1 felony; (ii) has been released from imprisonment for such felony, *has*
2 *been released from probation, community corrections, parole or post re-*
3 *lease supervision for such felony*, or was adjudicated as a juvenile offender
4 because of the commission of an act which if done by an adult would
5 constitute the commission of such felony; (iii) was found not to have
6 been in possession of a firearm at the time of the commission of the
7 offense, ~~and~~, and (iv) has not had the conviction of such crime expunged
8 or been pardoned for such crime; or
9 (B) *has been convicted of* a nonperson felony under the laws of Kan-
10 sas or a crime under the laws of another jurisdiction which is substantially
11 the same as such nonperson felony, has been released from imprisonment
12 for such nonperson felony or was adjudicated as a juvenile offender be-
13 cause of the commission of an act which if done by an adult would con-
14 stitute the commission of a nonperson felony, and was found to have been
15 in possession of a firearm at the time of the commission of the offense;
16 (5) possession of any firearm by any person, other than a law enforce-
17 ment officer, in or on any school property or grounds upon which is
18 located a building or structure used by a unified school district or an
19 accredited nonpublic school for student instruction or attendance or ex-
20 tracurricular activities of pupils enrolled in kindergarten or any of the
21 grades 1 through 12 or at any regularly scheduled school sponsored ac-
22 tivity or event; or
23 (6) refusal to surrender or immediately remove from school property
24 or grounds or at any regularly scheduled school sponsored activity or
25 event any firearm in the possession of any person, other than a law en-
26 forcement officer, when so requested or directed by any duly authorized
27 school employee or any law enforcement officer.
28 (b) Subsection (a)(5) shall not apply to:
29 (1) Possession of any firearm in connection with a firearms safety
30 course of instruction or firearms education course approved and author-
31 ized by the school;
32 (2) any possession of any firearm specifically authorized in writing by
33 the superintendent of any unified school district or the chief administrator
34 of any accredited nonpublic school;
35 (3) possession of a firearm secured in a motor vehicle by a parent,
36 guardian, custodian or someone authorized to act in such person's behalf
37 who is delivering or collecting a student; or
38 (4) possession of a firearm secured in a motor vehicle by a registered
39 voter who is on the school grounds, which contain a polling place for the
40 purpose of voting during polling hours on an election day.
41 (c) Violation of subsection (a)(1) or (a)(5) is a class B nonperson select
42 misdemeanor; violation of subsection (a)(2), (a)(3) or (a)(4) is a severity
43 level 8, nonperson felony; violation of subsection (a)(6) is a class A non-

1 person misdemeanor.

2 Sec. 2. K.S.A. 2005 Supp. 21-4204 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.