

HOUSE BILL No. 2620

By Representatives Merrick, Carlson, DeGraaf, Gordon, Hayzlett, Huebert, Jack, Morrison, O'Brien, Olson, Otto, Powell, Rhoades and Siegfried

2-2

11 AN ACT enacting the Kansas firearms freedom act.

12

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

14 Section 1. Sections 1 through 6 may be cited as the "Kansas firearms
15 freedom act."

16 Sec. 2. The legislature declares that the authority for this act is the
17 following:

18 (a) The tenth amendment to the constitution of the United States
19 guarantees to the states and their people all powers not granted to the
20 federal government elsewhere in the constitution and reserves to the state
21 and people of Kansas certain powers as they were understood at the time
22 that Kansas was admitted to statehood in 1861. The guaranty of those
23 powers is a matter of contract between the state and people of Kansas
24 and the United States as of the time that the compact with the United
25 States was agreed upon and adopted by Kansas in 1859 and the United
26 States in 1861.

27 (b) The ninth amendment to the constitution of the United States
28 guarantees to the people rights not granted in the constitution and re-
29 serves to the people of Kansas certain rights as they were understood at
30 the time that Kansas was admitted to statehood in 1861. The guaranty of
31 those rights is a matter of contract between the state and people of Kansas
32 and the United States as of the time that the compact with the United
33 States was agreed upon and adopted by Kansas in 1859 and the United
34 States in 1861.

35 (c) The regulation of intrastate commerce is vested in the states un-
36 der the ninth and tenth amendments to the constitution of the United
37 States.

38 (d) The second amendment to the constitution of the United States
39 reserves to the people the right to keep and bear arms as that right was
40 understood at the time that Kansas was admitted to statehood in 1861,
41 and the guaranty of the right is a matter of contract between the state
42 and people of Kansas and the United States as of the time that the com-
43 pact with the United States was agreed upon and adopted by Kansas in

1 1859 and the United States in 1861.

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

10 Sec. 3. As used in this act, the following definitions apply:

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

13 (b) "Firearms accessories" means items that are used in conjunction
14 with or mounted upon a firearm but are not essential to the basic function
15 of a firearm, including, but not limited to, telescopic or laser sights, mag-
16 azines, flash or sound suppressors, folding or aftermarket stocks and grips,
17 speedloaders, ammunition carriers and lights for target 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 am-
21 munition has been created from basic materials for functional usefulness,
22 including, but not limited to, forging, casting, machining or other pro-
23 cesses 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 remains
26 within the borders of Kansas is not subject to federal law or federal reg-
27 ulation, including registration, under the authority of congress to regulate
28 interstate commerce. It is declared by the legislature that those items
29 have not traveled in interstate commerce. This section applies to a fire-
30 arm, a firearm accessory or ammunition that is manufactured in Kansas
31 from basic materials and that can be manufactured without the inclusion
32 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 reg-
38 ulation. It is declared by the legislature that basic materials, such as un-
39 machined steel and unshaped wood, are not firearms, firearms accessories
40 or ammunition and are not subject to congressional authority to regulate
41 firearms, firearms accessories and ammunition under interstate com-
42 merce as if they were actually firearms, firearms accessories or
43 ammunition.

- 1 (c) The authority of congress to regulate interstate commerce in basic
2 materials does not include authority to regulate firearms, firearms acces-
3 sories and ammunition made in Kansas from those materials. Firearms
4 accessories that are imported into Kansas from another state and that are
5 subject to federal regulation as being in interstate commerce do not sub-
6 ject a firearm to federal regulation under interstate commerce because
7 they are attached to or used in conjunction with a firearm in Kansas.
- 8 Sec. 5. Section 4 does not apply to:
- 9 (a) A firearm that cannot be carried and used by one person;
- 10 (b) a firearm that has a bore diameter greater than 1 1/2 inches and
11 that uses smokeless powder, not black powder, as a propellant;
- 12 (c) ammunition with a projectile that explodes using an explosion of
13 chemical energy after the projectile leaves the firearm; or
- 14 (d) other than shotguns, a firearm that discharges two or more pro-
15 jectiles with one activation of the trigger or other firing device.
- 16 Sec. 6. A firearm manufactured or sold in Kansas under this act must
17 have the words "Made in Kansas" clearly stamped on a central metallic
18 part, such as the receiver or frame.
- 19 Sec. 7. This act applies to firearms, firearms accessories and am-
20 munition that are manufactured, as defined in section 3, and amendments
21 thereto, and retained in Kansas on and after October 1, 2009.
- 22 Sec. 8. This act shall take effect and be in force from and after its
23 publication in the Kansas register.