

HOUSE BILL No. 2375

By Committee on Judiciary

2-12

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to crimes against the public safety; adding items to the definitions of
3 knife and weapon in the crime of criminal possession of a weapon by a
4 convicted felon; amending K.S.A. 2020 Supp. 21-6304 and repealing
5 the existing section.
6

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

8 Section 1. K.S.A. 2020 Supp. 21-6304 is hereby amended to read as
9 follows: 21-6304. (a) Criminal possession of a weapon by a convicted
10 felon is possession of any weapon by a person who:

11 (1) Has been convicted of a person felony or a violation of article 57
12 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto,
13 K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or
14 any violation of any provision of the uniform controlled substances act
15 prior to July 1, 2009, or a crime under a law of another jurisdiction which
16 is substantially the same as such felony or violation, or was adjudicated a
17 juvenile offender because of the commission of an act which if done by an
18 adult would constitute the commission of a person felony or a violation of
19 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
20 thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
21 transfer, or any violation of any provision of the uniform controlled
22 substances act prior to July 1, 2009, and was found to have been in
23 possession of a firearm at the time of the commission of the crime;

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

32 (3) within the preceding 10 years, has been convicted of a:

33 (A) Felony under K.S.A. 2020 Supp. 21-5402, 21-5403, 21-5404, 21-
34 5405, 21-5408, ~~subsection (b) or (d) of 21-5412(b) or (d), subsection (b) or~~
35 ~~(d) of 21-5413(b) or (d), subsection (a) of 21-5415(a), subsection (b) of~~
36 ~~21-5420(b), 21-5503, subsection (b) of 21-5504(b), subsection (b) of 21-~~

1 5505;(b) and ~~subsection (b)~~ of 21-5807(b), and amendments thereto;
 2 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments
 3 thereto; K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,
 4 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-
 5 3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through
 6 65-4165 or 65-7006, prior to their repeal; an attempt, conspiracy or
 7 criminal solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303,
 8 prior to their repeal, or K.S.A. 2020 Supp. 21-5301, 21-5302 or 21-5303,
 9 and amendments thereto, of any such felony; or a crime under a law of
 10 another jurisdiction which is substantially the same as such felony, has
 11 been released from imprisonment for such felony, or was adjudicated as a
 12 juvenile offender because of the commission of an act which if done by an
 13 adult would constitute the commission of such felony, was not found to
 14 have been in possession of a firearm at the time of the commission of the
 15 crime, and has not had the conviction of such crime expunged or been
 16 pardoned for such crime. The provisions of ~~subsection (j)(2)~~ of K.S.A.
 17 2020 Supp. 21-6614(j)(2), and amendments thereto, shall not apply to an
 18 individual who has had a conviction under this paragraph expunged; or

19 (B) nonperson felony under the laws of Kansas or a crime under the
 20 laws of another jurisdiction which is substantially the same as such
 21 nonperson felony, has been released from imprisonment for such
 22 nonperson felony or was adjudicated as a juvenile offender because of the
 23 commission of an act which if done by an adult would constitute the
 24 commission of a nonperson felony, and was found to have been in
 25 possession of a firearm at the time of the commission of the crime.

26 (b) Criminal possession of a weapon by a convicted felon is a
 27 severity level 8, nonperson felony.

28 (c) As used in this section:

29 (1) "Knife" means:

30 (A) *A pocket knife with a blade longer than two inches, box cutter,*
 31 *dagger, dirk, switchblade, stiletto, straight-edged razor or any other*
 32 *dangerous or deadly cutting instrument of like character; and*

33 (B) *if possessed by a person who is incarcerated, an item with a*
 34 *sharp blade or edge or any item shaped as a pointed instrument or a*
 35 *cutting instrument that was originally manufactured as a non-pointed or*
 36 *non-cutting instrument; and*

37 (2) "weapon" means a firearm, sword, machete or a knife.

38 Sec. 2. K.S.A. 2020 Supp. 21-6304 is hereby repealed.

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