

**HOUSE BILL No. 2743**

By Committee on Federal and State Affairs

3-21

1 AN ACT concerning firearms; enacting the covert firearms act;  
2 establishing criminal penalties for the possession, manufacture,  
3 distribution, transportation, shipping or receiving of certain firearms or  
4 components.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. As used in sections 1 through 7, and amendments thereto,  
8 the following definitions shall apply:

9 (a) "Covert firearm" means any firearm that is constructed in a shape  
10 or configuration such that it does not resemble a firearm.

11 (b) "Firearm frame or receiver" means the part of the firearm that  
12 provides housing for one or more of the firearm's internal components,  
13 including the hammer, bolt, breechblock, action or firing mechanism. Any  
14 such part identified with a serial number shall be presumed, absent an  
15 official determination by the bureau of alcohol, tobacco, firearms, and  
16 explosives or other reliable evidence to the contrary, to be a frame or  
17 receiver.

18 (c) "Major component of a firearm" means the slide, barrel, cylinder,  
19 trigger group or receiver of a firearm.

20 (d) "Security exemplar" means an object, to be fabricated at the  
21 direction of the United States attorney general, that is:

22 (1) Constructed of 3.7 ounces of material type 17-4 PH stainless steel  
23 in a shape resembling a handgun; and

24 (2) suitable for testing and calibrating metal detectors.

25 (e) "Three-dimensional printer" means a computer or computer-  
26 driven machine device capable of producing a three-dimensional object  
27 from a digital model.

28 (f) "Undetectable firearm" means a firearm constructed entirely of  
29 non-metal substances, or a firearm that, after removal of all of the major  
30 components of a firearm, is not detectable by walk-through metal detectors  
31 calibrated and operated to detect the security exemplar, or firearm that  
32 includes a major component of a firearm that, if subject to the types of  
33 detection devices commonly used at airports for security screening, would  
34 not generate an image that accurately depicts the shape of the component.  
35 "Undetectable firearm" does not include a firearm subject to the provisions  
36 of 18 U.S.C. § 922(p)(3) through (6).

1 (g) "Unfinished frame or receiver" means a forged, case, printed,  
2 extruded or machined body or similar article that:

3 (1) Has reached a stage in manufacture where it may readily be  
4 completed, assembled or converted to be used as the frame or receiver of a  
5 functional firearm; or

6 (2) is marketed or sold to the public to become or be used as the  
7 frame or receiver of a functional firearm once completed, assembled or  
8 converted.

9 (h) "Untraceable firearm" means a firearm for which the sale or  
10 distribution chain from a licensed retailer to the point of its first retail sale  
11 cannot be traced by law enforcement officials. "Untraceable firearm" does  
12 not include:

13 (1) Firearms manufactured prior to 1973;

14 (2) muzzle-loading firearms designed to use black powder or its  
15 equivalent; and

16 (3) firearms that are designed as replicas of antique firearms  
17 originally manufactured prior to 1898.

18 Sec. 2. (a) No person shall knowingly transport, ship, possess or  
19 receive any firearm or firearm frame or receiver with the knowledge that  
20 the importer's or manufacturer's serial number has been removed,  
21 obliterated or altered in a manner that has disguised or concealed the  
22 identity or origin of the firearm.

23 (b) This section shall not apply to a firearm manufactured prior to  
24 1973.

25 (c) Possessing, transporting, shipping or receiving a firearm as  
26 described in subsection (a) is a severity level 9, nonperson felony.

27 Sec. 3. (a) No person shall knowingly transport, ship, transfer or sell  
28 an unfinished firearm frame or receiver unless the:

29 (1) Person is a federally licensed gun dealer or manufacturer;

30 (2) name of the manufacturer and an individual serial number are  
31 conspicuously placed on the unfinished firearm frame or receiver in  
32 accordance with the procedures for the serialization of a firearm in 18  
33 U.S.C. § 923(i); and

34 (3) person maintains records for the unfinished firearm frame or  
35 receiver in accordance with the requirements for maintenance of records in  
36 18 U.S.C. § 923(g).

37 (b) No person shall knowingly possess an unfinished firearm frame or  
38 receiver that does not have the name of the manufacturer and individual  
39 serial number conspicuously placed on such unfinished firearm frame or  
40 receiver or on a major component of the firearm into which the unfinished  
41 firearm frame or receiver will be housed. This subsection shall not apply to  
42 a federally licensed gun manufacturer during the manufacturing process of  
43 a firearm frame or receiver.

1 (c) Violation of this section is a severity level 9, nonperson felony.

2 Sec. 4. (a) Possession of a covert or undetectable firearm is  
3 knowingly possessing a covert or undetectable firearm.

4 (b) Manufacturing a covert or undetectable firearm is manufacturing,  
5 causing to be manufactured, transporting or selling a covert or  
6 undetectable firearm.

7 (c) Possession of a covert or undetectable firearm is a severity level 9,  
8 nonperson felony.

9 (d) Manufacturing a covert or undetectable firearm is a severity level  
10 8, nonperson felony.

11 Sec. 5. (a) Possessing an untraceable firearm is knowingly possessing  
12 an untraceable firearm.

13 (b) Manufacturing an untraceable firearm is knowingly  
14 manufacturing, assembling, causing to be manufactured or assembled,  
15 selling or transferring an untraceable firearm.

16 (c) Manufacturing or distributing a firearm is using a three-  
17 dimensional printer when the person does either of the following:

18 (1) Uses a three-dimensional printer or similar device to manufacture  
19 or produce a firearm, firearm receiver or major firearm component when  
20 not licensed as a manufacturer.

21 (2) Distributes by any means, including the internet, to a person who  
22 is not licensed as a manufacturer, instructions in the form of computer-  
23 aided design files or other code or instructions stored and displayed in  
24 electronic format as a digital model that may be used to program a three-  
25 dimensional printer to manufacture or produce a firearm, firearm receiver  
26 or major component of a firearm.

27 (d) Possession of an untraceable firearm is a severity level 9,  
28 nonperson felony.

29 (e) Manufacturing an untraceable firearm or manufacturing or  
30 distributing a firearm using a three-dimensional printer is a severity level  
31 8, nonperson felony.

32 Sec. 6. Sections 1 through 7, and amendments thereto, shall be known  
33 and may be cited as the covert firearms act.

34 Sec. 7. If any provision of this act or the application of this act to any  
35 person or circumstance is held invalid, the provisions of this act are  
36 severable if the invalidity does not affect the other provisions of this act  
37 that can be given effect without the invalid provision or the application of  
38 this act that can be given effect without the invalid application.

39 Sec. 8. This act shall take effect and be in force from and after its  
40 publication in the statute book.