

HOUSE BILL No. 2199

By Representatives Rubin, Alford, Boldra, Bradford, Brunk, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbet, Couture-Lovelady, Crum, DeGraf, Edwards, Esau, Garber, Goico, Gonzalez, Grosserode, Hedtke, Henry, Hermanson, Highland, Hildbrand, Hoffman, Houser, Howell, Huebert, Jones, Kelley, Macheers, Mast, McPherson, Montgomery, O'Brien, Osterman, Pauls, Peck, Petty, Read, Rothlisberg, Ryckman Sr., Sawyer, Schwab, Sutton, Todd, Waymaster and Whipple

2-1

1 AN ACT enacting the second amendment protection act.

2
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. Sections 1 through 11, and amendments thereto, may be
5 cited as the second amendment protection act.

6 Sec. 2. The legislature declares that the authority for sections 1
7 through 11, and amendments thereto, is the following:

8 (a) The tenth amendment to the constitution of the United States
9 guarantees to the states and their people all powers not granted to the
10 federal government elsewhere in the constitution and reserves to the state
11 and people of Kansas certain powers as they were understood at the time
12 that Kansas was admitted to statehood in 1861. The guaranty of those
13 powers is a matter of contract between the state and people of Kansas and
14 the United States as of the time that the compact with the United States
15 was agreed upon and adopted by Kansas in 1859 and the United States in
16 1861.

17 (b) The ninth amendment to the constitution of the United States
18 guarantees to the people rights not granted in the constitution and reserves
19 to the people of Kansas certain rights as they were understood at the time
20 that Kansas was admitted to statehood in 1861. The guaranty of those
21 rights is a matter of contract between the state and people of Kansas and
22 the United States as of the time that the compact with the United States
23 was agreed upon and adopted by Kansas in 1859 and the United States in
24 1861.

25 (c) The second amendment to the constitution of the United States
26 reserves to the people, individually, the right to keep and bear arms as that
27 right was understood at the time that Kansas was admitted to statehood in
28 1861, and the guaranty of that right is a matter of contract between the
29 state and people of Kansas and the United States as of the time that the
30 compact with the United States was agreed upon and adopted by Kansas in

Balloon Amendments for HB 2199
Prepared by Jason Long
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1 state and that are subject to federal regulation as being in interstate
2 commerce do not subject a firearm to federal regulation under interstate
3 commerce because they are attached to or used in conjunction with a
4 firearm in Kansas.

5 Sec. 5. A firearm manufactured in Kansas within the meaning of
6 sections 1 through 11, and amendments thereto, must have the words
7 "Made in Kansas" clearly stamped on a central metallic part, such as the
8 receiver or frame.

9 Sec. 6. (a) Any act, law, treaty, order, rule or regulation of the
10 government of the United States which violates the second amendment to
11 the constitution of the United States is null, void and unenforceable in the
12 state of Kansas.

13 (b) No official, agent or employee of the state of Kansas ~~shall~~
14 ~~enforce any act, law, treaty, order, rule or regulation of the government of~~
15 ~~the United States regarding any personal firearm, firearm accessory or~~
16 ~~ammunition that is [owned or] manufactured commercially or privately in~~
17 ~~the state of Kansas and that remains within the borders of Kansas.~~

and owned

18 Sec. 7. It is unlawful for any official, agent or employee of the
19 government of the United States, or employee of a corporation providing
20 services to the government of the United States to enforce or attempt to
21 enforce any act, law, treaty, order, rule or regulation of the government of
22 the United States upon a firearm, a firearm accessory, or ammunition that
23 is ~~owned or~~ manufactured commercially or privately ~~in the state of Kansas~~
24 ~~and that remains within the borders of Kansas. Violation of this section is a~~
25 ~~severity level 10 nonperson felony.~~

and owned

26 Sec. 8. Sections 1 through 11, and amendments thereto, do not apply
27 to: (a) A firearm that cannot be carried and used by one person;
28 (b) ammunition with a projectile that explodes using an explosion of
29 chemical energy after the projectile leaves the firearm; or
30 (c) other than shotguns, a firearm that discharges two or more
31 projectiles with one activation of the trigger or other firing device.

person licensed to practice medicine and surgery

32 Sec. 9. ~~No [physician, other than a psychiatrist] shall inquire of any~~
33 ~~patient in conjunction with obtaining the patient's personal information and~~
34 ~~medical history, whether the patient has any firearms in such patient's~~
35 ~~home or on such patient's property and shall not require such information~~
36 ~~before providing treatment.~~

This section shall not apply to a person licensed to practice medicine
and surgery who is treating a patient for a duly diagnosed mental

37 Sec. 10. Sections 1 through 11, and amendments thereto, apply to
38 firearms, firearm accessories and ammunition that are ~~owned or~~
39 manufactured, as defined in section 3, and amendments thereto, and
40 remain within the borders of Kansas on and after October 1, 2009.

and owned

41 Sec. 11. If any provision of sections 1 through 10, and amendments
42 thereto, or the application to any persons or circumstances is held to be
43

1 invalid, such invalidity shall not affect the other provisions or application
2 of sections 1 through 10, and amendments thereto, and to this end the
3 provisions of section 1 through 10, and amendments thereto, are declared
4 to be severable.
5 Sec. 12. This act shall take effect and be in force from and after its
6 publication in the Kansas register.

