

HOUSE BILL No. 2199

By Representatives Rubin, Altford, Boldra, Bradford, Brunk, Campbell, Carlson, Carpenter, Cassidy, Christmann, Claeys, Corbel, Couture-Lovelandy, Crum, DeGraaf, Edwards, Esau, Garber, Goico, Gonzalez, Grosserode, Hedke, Henry, Hernanson, Highland, Hildabrand, Hoffman, Houser, Howell, Huebert, Jones, Kelley, Macheers, Masl, 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 #3 for HB 2199
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Office of Revisor of Statutes
February 22, 2013

1 1859 and the United States in 1861.

2 (d) Section 4 of the bill of rights of the constitution of the state of
3 Kansas clearly secures to Kansas citizens, and prohibits government
4 interference with, the right of individual Kansas citizens to keep and bear
5 arms. This constitutional protection is unchanged from the constitution of
6 the state of Kansas, which was approved by congress and the people of
7 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 in
9 1859 and the United States in 1861.

10 Sec. 3. As used in sections 1 through 11, and amendments thereto, the
11 following definitions apply:

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

14 (b) "Firearms accessories" means items that are used in conjunction
15 with or mounted upon a firearm but are not essential to the basic function
16 of a firearm, including, but not limited to, telescopic or laser sights,
17 magazines, flash or sound suppressors, collapsible or adjustable stocks and
18 grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers
19 and lights for target illumination.

20 (c) "Generic and insignificant parts" includes, but is not limited to,
21 springs, screws, nuts and pins.

22 (d) "Manufacture" means to assemble using multiple components to
23 create a more useful finished product.

24 Sec. 4. (a) A personal firearm, a firearm accessory or ammunition that
25 is owned or manufactured commercially or privately in Kansas and that
26 remains within the borders of Kansas is not subject to any federal law,
27 treaty, federal regulation, or federal executive action, including any federal
28 firearm or ammunition registration program, under the authority of
29 congress to regulate interstate commerce. It is declared by the legislature
30 that those items have not traveled in interstate commerce. This section
31 applies to a firearm, a firearm accessory or ammunition that is owned or
32 manufactured in the state of Kansas.

33 (b) Component parts that have multiple manufacturing or consumer
34 product applications are not firearms, firearms accessories or ammunition,
35 and their importation into Kansas and incorporation into a firearm, a
36 firearm accessory or ammunition manufactured in Kansas does not subject
37 the firearm, firearm accessory or ammunition to federal regulation. It is
38 declared by the legislature that such component parts are not firearms,
39 firearms accessories or ammunition and are not subject to congressional
40 authority to regulate firearms, firearms accessories and ammunition under
41 interstate commerce as if they were actually firearms, firearms accessories
42 or ammunition.

43 (c) Firearms accessories that are imported into Kansas from another

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, ~~nor any~~
14 ~~dealer selling any firearm in the state of Kansas,~~ shall enforce or attempt to
15 enforce any act, law, treaty, order, rule or regulation of the government of
16 the United States regarding any personal firearm, firearm accessory or
17 ammunition that is owned or manufactured commercially or privately in
18 the state of Kansas and that remains within the borders of Kansas.

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

27 Sec. 8. Sections 1 through 11, and amendments thereto, do not apply
28 to: (a) A firearm that cannot be carried and used by one person;

29 (b) ammunition with a projectile that explodes using an explosion of
30 chemical energy after the projectile leaves the firearm; or
31 (c) other than shotguns, a firearm that discharges two or more
32 projectiles with one activation of the trigger or other firing device.

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

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

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

or any political subdivision thereof

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.