

21-6308. Criminal discharge of a firearm. (a) Criminal discharge of a firearm is the:

- (1) Reckless and unauthorized discharge of any firearm:
 - (A) At a dwelling, building or structure in which there is a human being whether the person discharging the firearm knows or has reason to know that there is a human being present;
 - (B) at a motor vehicle, aircraft, watercraft, train, locomotive, railroad car, caboose, rail-mounted work equipment or rolling stock or other means of conveyance of persons or property in which there is a human being whether the person discharging the firearm knows or has reason to know that there is a human being present;
- (2) reckless and unauthorized discharge of any firearm at a dwelling in which there is no human being; or
- (3) discharge of any firearm:
 - (A) Upon any land or nonnavigable body of water of another, without having obtained permission of the owner or person in possession of such land; or
 - (B) upon or from any public road, public road right-of-way or railroad right-of-way except as otherwise authorized by law.
- (b) Criminal discharge of a firearm as defined in:
 - (1) Subsection (a)(1) is a:
 - (A) Severity level 7, person felony except as provided in subsection (b)(1)(B) or (b)(1)(C);
 - (B) severity level 3, person felony if such criminal discharge results in great bodily harm to a person during the commission thereof; or
 - (C) severity level 5, person felony if such criminal discharge results in bodily harm to a person during the commission thereof;
 - (2) subsection (a)(2) is a severity level 8, person felony; and
 - (3) subsection (a)(3) is a class C misdemeanor.
- (c) Subsection (a)(1) shall not apply if the act is a violation of subsection (d) of K.S.A. 2014 Supp. 21-5412, and amendments thereto.
- (d) Subsection (a)(3) shall not apply to any of the following:
 - (1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - (2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;
 - (3) members of the armed services or reserve forces of the United States or the national guard while in the performance of their official duty;
 - (4) watchmen, while actually engaged in the performance of the duties of their employment;
 - (5) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;
 - (6) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;
 - (7) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157, and amendments thereto; or
 - (8) the United States attorney for the district of Kansas, the attorney general, or any district attorney or county attorney, while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant United States attorney if authorized by the United States attorney for the district of Kansas and while actually engaged in the duties of their employment or any activities incidental to such duties; any assistant attorney general if authorized by the attorney general and while actually engaged in the duties of their employment or any activities incidental to such duties; or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed and while actually engaged in the duties of their employment or any activities incidental to such duties. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 2014 Supp. 75-7c19, and amendments thereto.

History: L. 2010, ch. 136, § 193; July 1, 2011.