

SENATE BILL No. 557

By Committee on Federal and State Affairs

3-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to criminal possession of a weapon by a convicted felon; exempting
3 certain underlying felonies when a person has had the conviction of
4 such crime expunged or has been pardoned for such crime; amending
5 K.S.A. 2021 Supp. 21-6304 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2021 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 that is
16 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 by the convicting court
23 to have used a firearm in the commission of the crime;

24 (2) (A) (i) Has been convicted of a person felony, other than those
25 specified in subsection (a)(3)(A)(i), under the laws of Kansas or a crime
26 under the law of another jurisdiction which is substantially the same as
27 such person felony; or

28 (ii) was adjudicated as a juvenile offender because of the commission
29 of an act which if done by an adult would constitute the commission of a
30 person felony;

31 (B) was not found by the convicting court to have used a firearm in
32 the commission of such crime; and

33 (C) less than three years have elapsed since such person satisfied the
34 sentence imposed or the terms of any diversion agreement for such crime,
35 or was discharged from probation, a community correctional services
36 program, parole, postrelease supervision, conditional release or a

1 suspended sentence;

2 (3) (A) (i) has been convicted of a felony under:

3 (a) K.S.A. 2021 Supp. 21-5402, 21-5403, 21-5404, 21-5405, 21-
4 5408, 21-5412 (b) or (d), 21-5413(b) or (d), 21-5415(a), 21-5420(b), 21-
5 5503, 21-5504(b), 21-5505(b), and 21-5807(b), and amendments thereto;

6 (b) article 57 of chapter 21 of the Kansas Statutes Annotated, and
7 amendments thereto;

8 (c) K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their
9 transfer;

10 (d) K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3410, 21-3411,
11 21-3414, 21-3415, 21-3419, 21-3420, 21-3421, 21-3427, 21-3442, 21-
12 3502, 21-3506, 21-3518, 21-3716, 65-4127a, 65-4127b, 65-4159 through
13 65-4165 or 65-7006, prior to their repeal;

14 (e) an attempt, conspiracy or criminal solicitation as defined in
15 K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2021
16 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such
17 felony; or

18 (f) a crime under a law of another jurisdiction that is substantially the
19 same as such felony; or

20 (ii) has been released from imprisonment for such felony, or was
21 adjudicated as a juvenile offender because of the commission of an act
22 which if done by an adult would constitute the commission of such felony;
23 and

24 (B) less than eight years have elapsed since such person satisfied the
25 sentence imposed or the terms of any diversion agreement for such crime,
26 or was discharged from probation, a community correctional services
27 program, parole, postrelease supervision, conditional release or a
28 suspended sentence; or

29 (4) (A) (i) has been convicted of any other nonperson felony, other
30 than those specified in subsections (a)(1) through (a)(3), under the laws of
31 Kansas or a crime under the law of another jurisdiction which is
32 substantially the same as such nonperson felony; or

33 (ii) was adjudicated as a juvenile offender because of the commission
34 of an act which if done by an adult would constitute the commission of a
35 nonperson felony; and

36 (B) less than three months have elapsed since such person satisfied
37 the sentence imposed or the terms of any diversion agreement for such
38 crime, or was discharged from probation, a community correctional
39 services program, parole, postrelease supervision, conditional release or a
40 suspended sentence.

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

43 (c) The provisions of subsections ~~(a)(1)~~, (a)(2), (a)(3) and (a)(4) shall

1 not apply to a person who has been convicted of a crime and has had the
2 conviction of such crime expunged or has been pardoned for such crime.

3 (d) As used in this section:

4 (1) "Knife" means a dagger, dirk, switchblade, stiletto, straight-edged
5 razor or any other dangerous or deadly cutting instrument of like character;
6 and

7 (2) "weapon" means a firearm or a knife.

8 Sec. 2. K.S.A. 2021 Supp. 21-6304 is hereby repealed.

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