

2021 Kansas Statutes

21-6302. Criminal carrying of a weapon. (a) Criminal carrying of a weapon is knowingly carrying:

- (1) Any bludgeon, sandclub, metal knuckles or throwing star;
- (2) concealed on one's person, a billy, blackjack, slungshot or any other dangerous or deadly weapon or instrument of like character;
- (3) on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;
- (4) any pistol, revolver or other firearm concealed on one's person if such person is under 21 years of age, except when on such person's land or in such person's abode or fixed place of business; or
- (5) a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger whether the person knows or has reason to know the length of the barrel or that the firearm is designed or capable of discharging automatically.

(b) Criminal carrying of a weapon as defined in:

- (1) Subsections (a)(1), (a)(2), (a)(3) or (a)(4) is a class A nonperson misdemeanor; and
- (2) subsection (a)(5) is a severity level 9, nonperson felony.

(c) Subsection (a) shall not apply to:

- (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 Kansas national guard while in the performance of their official duty; or
- (4) the manufacture of, transportation to, or sale of weapons to a person authorized under subsections (c)(1), (c)(2) and (c)(3) to possess such weapons.

(d) Subsection (a)(4) shall not apply to any person who is carrying a handgun, as defined in K.S.A. 75-7c02, and amendments thereto, and who possesses a valid provisional license issued pursuant to K.S.A. 75-7c03, and amendments thereto, or a valid license or permit to carry a concealed firearm that was issued by another jurisdiction and is recognized in this state pursuant to K.S.A. 75-7c03, and amendments thereto.

(e) Subsection (a)(5) shall not apply to:

- (1) Any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. § 5841 et seq. in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor;
- (2) any person employed by a laboratory which is certified by the United States department of justice, national institute of justice, while actually engaged in the duties of their employment and on the premises of such certified laboratory. Subsection (a)(5) shall not affect the manufacture of, transportation to or sale of weapons to such certified laboratory; or
- (3) any person or entity in compliance with the national firearms act, 26 U.S.C. § 5801 et seq.

(f) As used in this section, "throwing star" means the same as prescribed by K.S.A. 2021 Supp. 21-6301, and amendments thereto.

History: L. 2011, ch. 30, § 49; L. 2013, ch. 105, § 4; L. 2013, ch. 133, § 8; L. 2014, ch. 134, § 2; L. 2015, ch. 16, § 3; L. 2021, ch. 94, § 3; July 1.

Section was also amended by L. 2013, ch. 88, § 3, but that version was repealed by L. 2013, ch. 133, § 37.