

## **FIREARMS RESTRICTIONS**

### **NOTIFICATION**

#### **PROHIBITION ON THE POSSESSION OF FIREARMS**

Current Kansas and Federal laws make the receipt; possession and/or transportation of a firearm by a person convicted of a felony a separate crime punishable in Kansas and/or Federal court as a felony.

Kansas law, 21-6301(a)(10) makes it unlawful for a person who is both addicted to and an unlawful user of a controlled substance to possess any firearm.

Kansas law, 21-6304(a)(1) makes it unlawful for a person to possess any firearm if that person has: 1) been convicted of a person felony or a violation of any provision of the uniform controlled substances act under article 57 of chapter 21 of the laws of Kansas or substantially similar crimes of any other jurisdiction; and 2) was found to have been in possession of a firearm at the time of the commission of the crime.

Kansas law, 21-6304(a)(2) makes it unlawful for a person to possess any firearm within five (5) years of conviction or release from imprisonment, whichever is later, if that person has: 1) been convicted of a felony; and 2) was found not to have been in possession of a firearm at the time of the commission of the crime.

Kansas law, 21-6304 (a)(3) makes it unlawful for a person to possess any firearm within ten (10) years of conviction or release from imprisonment, whichever is later, if that person has: 1) been convicted of one of the below listed felonies; and 2) was not found to have been in the possession of a firearm at the time of the commission of the crime.

21-5402	Murder in the first degree
21-5403	Murder in the second degree
21-5404	Voluntary manslaughter
21-5405	Involuntary manslaughter
21-5412	Aggravated assault
21-5412	Aggravated assault on a law enforcement officer
21-5413	Aggravated battery on a law enforcement officer
21-5415(a)(b)	Criminal threat
21-5408	Kidnapping/aggravated kidnapping
21-5420(b)	Aggravated robbery
21-5503	Rape
21-5504(b)	Aggravated criminal sodomy
21-5505(b)	Aggravated sexual battery
21-5807(b)	Aggravated burglary

This section also applies for felony convictions of crimes involving controlled substances under article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

This section also creates a ten (10) year ban for a person convicted of a non-person felony or juvenile adjudication if there was a finding of possession of a firearm during that offense. These

laws also apply to adjudicated juveniles if the commission of an act, which, if done by an adult, would constitute the commission of a felony. These laws further apply to a conviction of another jurisdiction which is substantially the same as a Kansas felony.

A person does not violate Kansas law if the record of the conviction has been expunged or the person received a pardon for such crime.

Keep in mind that a five (5) or ten (10) year period runs from the date of conviction or release from imprisonment, whichever is later. If you are imprisoned on a parole or probation violation, the period will be from the date of release on that imprisonment.

Federal law, specifically, 18 U.S.C. § 922(g)(1-9) prohibits the following from possessing, shipping/ transporting, or receiving any firearm or ammunition:

- (1) a person convicted of a crime punishable by imprisonment exceeding one year;
- (2) a person who is a fugitive from justice;
- (3) a person who is an unlawful user of or who is addicted to a controlled substance;
- (4) a person who has been adjudicated as a mental defective or who has been admitted to a mental institution;
- (5) an alien who is unlawfully in the United States or who has been admitted to the United States under a nonimmigrant visa;
- (6) a person who has been discharged from the Armed Forces under dishonorable conditions;
- (7) a person who, having been a citizen of the United States, renounces his citizenship;
- (8) a person subject to a court order that was issued after a hearing in which the person participated, which order restrains the person from harassing, stalking, or threatening an intimate partner or partner's child, and which order includes a finding that the person is a credible threat to such partner or partner's child, or by its terms prohibits the use, attempted use or threatened use of such force against such partner or partner's child;
- (9) a person who has been convicted of a misdemeanor crime of domestic violence.