

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2468

By Committee on Federal and State Affairs

1-14

1 AN ACT concerning schools; relating to the possession of weapons on  
2 school property; amending K.S.A. 72-89a01 and repealing the existing  
3 section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 New Section 1. (a) No school district shall adopt a policy that  
7 prohibits an organization from conducting activities on school property  
8 solely because such activities include the possession and use of air guns by  
9 the participants. Any policy adopted pursuant to K.S.A. 72-89a02, and  
10 amendments thereto, shall not prohibit the possession of an air gun by a  
11 pupil on school property if such pupil is a participant in the activities of an  
12 organization.

13 (b) A policy adopted pursuant to K.S.A. 72-89a02, and amendments  
14 thereto, may prohibit the possession of air guns by pupils at school, on  
15 school property or at a school supervised activity, except when a pupil is  
16 participating in activities conducted by an organization, or is in transit to  
17 or from such activities.

18 (c) Any individual desiring to participate in activities conducted by an  
19 organization may be required to sign, or have a parent or legal guardian  
20 sign, a liability waiver. The liability waiver shall be in such form as  
21 prescribed by the chief administrative officer of the school and shall  
22 contain the appropriate language so as to relieve the school district, the  
23 school and all school personnel from liability for any claims arising out of  
24 the acts or omissions of any individual or any school personnel relating to  
25 activities conducted by an organization.

26 ~~(d) No organization shall be required to obtain a liability insurance~~  
27 ~~policy for activities conducted on school property, or be required to pay all~~  
28 ~~or a portion of any premium for any such policy obtained by the school~~  
29 ~~district.~~

30 ~~(e)~~—The provisions of this section shall be a part of and supplemental  
31 to K.S.A. 72-89a01 et seq., and amendments thereto.

32 Sec. 2. K.S.A. 72-89a01 is hereby amended to read as follows: 72-  
33 89a01. As used in this act:

34 (a) "Board of education" means the board of education of a unified  
35 school district or the governing authority of an accredited nonpublic  
36 school.

1 (b) "School" means a public school or an accredited nonpublic  
2 school.

3 (c) "Public school" means a school operated by a unified school  
4 district organized under the laws of this state.

5 (d) "Accredited nonpublic school" means a nonpublic school  
6 participating in the quality performance accreditation system.

7 (e) "Chief administrative officer of a school" means, in the case of a  
8 public school, the superintendent of schools and, in the case of an  
9 accredited nonpublic school, the person designated as chief administrative  
10 officer by the governing authority of the school.

11 (f) "Federal law" means the individuals with disabilities education  
12 act, section 504 of the rehabilitation act, the gun-free schools act of 1994,  
13 and regulations adopted pursuant to such acts.

14 (g) "Secretary of education" means the secretary of the United States  
15 department of education.

16 (h) (1) "Weapon" means ~~(+)~~: (A) Any weapon which will or is  
17 designed to or may readily be converted to expel a projectile by the action  
18 of an explosive; ~~(2)~~ (B) the frame or receiver of any weapon described in  
19 the preceding example; ~~(3)~~ (C) any firearm muffler or firearm silencer; ~~(4)~~  
20 (D) any explosive, incendiary, or poison gas ~~(A)~~: (i) Bomb, ~~(B)~~; (ii)  
21 grenade, ~~(C)~~; (iii) rocket having a propellant charge of more than four  
22 ounces, ~~(D)~~; (iv) missile having an explosive or incendiary charge of more  
23 than  $\frac{1}{4}$  ounce, ~~(E)~~; (v) mine; or ~~(F)~~ (vi) similar device; ~~(5)~~ (E) any  
24 weapon which will, or which may be readily converted to, expel a  
25 projectile by the action of an explosive or other propellant, and which has  
26 any barrel with a bore of more than  $\frac{1}{2}$  inch in diameter; ~~(6)~~ (F) any  
27 combination of parts either designed or intended for use in converting any  
28 device into any destructive device described in the two immediately  
29 preceding examples, and from which a destructive device may be readily  
30 assembled; ~~(7)~~ (G) any bludgeon, sandclub, metal knuckles or throwing  
31 star; ~~(8)~~ (H) any knife, commonly referred to as a switch-blade, which has  
32 a blade that opens automatically by hand pressure applied to a button,  
33 spring or other device in the handle of the knife, or any knife having a  
34 blade that opens or falls or is ejected into position by the force of gravity  
35 or by an outward, downward or centrifugal thrust or movement; ~~(9)~~ or (I)  
36 any electronic device designed to discharge immobilizing levels of  
37 electricity, commonly known as a stun gun.

38 (2) The term "weapon" does not include within its meaning ~~(+)~~: (A)  
39 An antique firearm; ~~(2)~~ (B) *an air gun*; (C) any device which is neither  
40 designed nor redesigned for use as a weapon; ~~(3)~~ (D) any device, although  
41 originally designed for use as a weapon, which is redesigned for use as a  
42 signaling, pyrotechnic, line throwing, safety, or similar device; ~~(4)~~ (E)  
43 surplus ordinance sold, loaned; or given by the secretary of the army

1 pursuant to the provisions of section 4684(2), 4685; or 4686 of title 10 of  
2 the United States Code; ~~(S)~~ or (F) class C common fireworks.

3 (i) *"Air gun" means any device which will or is designed to or may be*  
4 *readily converted to, expel a projectile by the release of compressed air or*  
5 *gas, and which is of 0.18 caliber or less and has a muzzle velocity that*  
6 **does not exceed 700 feet per second.**

7 (j) *"Organization" means any profit or nonprofit association, whether*  
8 *school-sponsored or community-based, whose primary purpose is to*  
9 *provide youth development by engaging individuals under the age of 18 in*  
10 *activities designed to promote and encourage self-confidence, teamwork*  
11 *and a sense of community.*

12 Sec. 3. K.S.A. 72-89a01 is hereby repealed.

13 Sec. 4. This act shall take effect and be in force from and after its  
14 publication in the statute book.