

ORDINANCE NO. 2999

AN ORDINANCE AMENDING ARTICLE 10, SECTION 10.1 OF THE UNIFORM PUBLIC OFFENSE CODE ADOPTED BY THE CITY OF PAOLA, KANSAS, MORE SPECIFICALLY SECTION 10.1 RELATING TO CRIMINAL USE OF WEAPONS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PAOLA, KANSAS:

SECTION 1. Article 10, Section 10.1 of the Uniform Public Offense Code Adopted by the City of Paola, Kansas, is hereby amended by adding the following subsections to Section 10.1 CRIMINAL USE OF WEAPONS, (a) Criminal Use of Weapons is knowingly:

(7) Carrying unconcealed on one's person or in any vehicle under one's immediate control, with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;

(8) Carrying any loaded pistol, revolver or other firearm unconcealed on one's person, except when on the person's land or in the person's abode or fixed place of business; or

(9) Carry a loaded or unloaded pistol, revolver or other firearm in a Courtroom or within City Hall.

SECTION 2. With the aforesaid additions, Section 10.1 of the 2009 Uniform Public Offense Code shall read as follows:

CRIMINAL USE OF WEAPONS.

(a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) Carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;

(3) Carrying 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) Carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) Transporting any firearm in an occupied motor vehicle, unless such firearm is unloaded and encased in a container which completely encloses the firearm;

(6) Setting a spring gun;

(7) Carrying unconcealed on one's person or in any vehicle under one's immediate control, with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slingshot, nightstick, nunchucks, sap gloves, tomahawk, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife or a dangerous or deadly weapon or instrument;

(8) Carrying any loaded pistol, revolver or other firearm unconcealed on one's person, except when on the person's land or in the person's abode or fixed place of business; or

(9) Carry a loaded or unloaded pistol, revolver or other firearm in a Courtroom or within City Hall.

(b) Subsections (a)(1), (2), (3), (4) and (5) shall not apply to nor affect 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 Kansas National Guard while in the performance of their official duty; or

(4) Manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1) through (b)(3) of this subsection to possess such weapons.

(c) Subsection (a)(4) and (a)(5) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) Licensed hunters or fishermen, while engaged in hunting or fishing;

(3) Private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) 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;

(5) 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. Supp. 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

(6) Special deputy sheriffs in counties over 100,000 population who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer.

(7) The United States attorney for the District of Kansas, the attorney general, any district attorney or county attorney, any assisted United States attorney if authorized by the United States attorney for the District of Kansas, any assistant attorney general if authorized by the attorney general, or any assistant district attorney or assistant county attorney if authorized by the district attorney or county attorney by whom such assistant is employed. The provisions of this paragraph shall not apply to any person not in compliance with K.S.A. 75-7c01:7c17.

(d) Subsection (a)(1) shall not apply to 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.

(e) Subsection (a)(4) shall not apply to any person carrying a concealed weapon as authorized by K.S.A. Supp. 75-75c01 through 75-7c17.

(f) It shall be a defense that the defendant is within an exemption. (K.S.A. Supp. 21-4201; as amended)

Violation of this Section is a Class A violation.

SECTION 3. This ordinance shall be included in the Uniform Public Offense Code Adopted by the City of Paola, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the Governing Body of the City of Paola, Kansas, this 25th day of August, 2009.

APPROVED by the Mayor this 25th day of August, 2009.

Artie Stuteville, Mayor

ATTEST: [seal]

Daniel G. Droste, City Clerk