

SENATE BILL No. 245

By Senator Hilderbrand

12-3

1 AN ACT enacting the Kansas anti-red flag act; prohibiting the enactment
2 or enforcement of extreme risk protection orders against individuals
3 regarding firearms; establishing criminal penalty for violation.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) This act shall be known and may be cited as the Kansas
7 anti-red flag act.

8 (b) The legislature hereby preempts the entire field of legislation in
9 this state concerning in any way federal or state extreme risk protection
10 orders that have been issued against a citizen of Kansas. No city, county or
11 other political subdivision of this state shall enact any ordinance,
12 resolution or regulation providing for extreme risk protection orders nor
13 enforce or aid in the enforcement of any extreme risk protection order
14 issued pursuant to federal law or the laws of another jurisdiction.

15 (c) Any federal statute, rule or executive order, federal or state
16 judicial order or other judicial action that would have the effect of
17 enforcing an extreme risk protection order against a resident of Kansas
18 shall be null, void, unenforceable and of no effect in the state of Kansas.
19 Such orders shall be deemed to infringe upon the constitutional rights of
20 such resident including, but not limited to, the right to due process, the
21 right to keep and bear arms and the right to free speech.

22 (d) No state agency or any city, county or other political subdivision
23 in the state shall accept any moneys to implement any federal statute, rule
24 or executive order, federal or state judicial order or other judicial action
25 that would have the effect of enforcing an extreme risk protection order
26 against or upon a resident of Kansas.

27 (e) For purposes of this act, "extreme risk protection order" means an
28 order or warrant issued by a federal court or a state court or signed by a
29 magistrate or comparable officer of the court, including ex parte orders, for
30 which the primary purpose is to reduce the risk of firearm-related death or
31 injury by doing one or more of the following:

32 (1) Prohibiting a named individual from owning, possessing,
33 receiving or otherwise having custody or control of a firearm; or

34 (2) having a firearm removed or requiring the surrender of firearms
35 from a named individual.

36 (f) It shall be unlawful for any person, including a law enforcement

1 officer, to enforce or attempt to enforce an extreme risk protection order
2 upon a resident of Kansas. Any person violating this act shall be guilty of a
3 severity level 9, person felony.

4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.