

STATE OF KANSAS

LAWS

OF

SPECIAL SESSION, 1933

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feet to the west side of Hatfield street; thence north along the west side of Hatfield street 1,060 feet to the place of beginning.

SEC. 3. That all of block 148 in first addition to Englewood be and the same is hereby vacated, together with the streets and alleys therein, said tract being more particularly described as follows: Beginning at the southeast corner of said block 148, thence north 200 feet, more or less, to the northeast corner thereof; thence west along the north side 300 feet to the northwest corner thereof; thence south along the west side 200 feet, more or less, to the southwest corner thereof; thence east along the south side of said block 300 feet to the place of beginning.

SEC. 4. This act shall take effect and be in force from and after its publication in the official state paper.

Approved November 29, 1933.

Published in official state paper December 2, 1933.

CHAPTER 62

RELATING TO MACHINE GUNS AND OTHER FIREARMS

House Bill No. 102

AN ACT relating to machine guns and other firearms, making the transportation or possession thereof unlawful in certain cases, providing for search, seizure and confiscation thereof in certain cases, relating to the ownership and registration of certain firearms, and providing penalties for the violation of this act.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That it shall be unlawful for any person, firm, or corporation other than a sheriff or other peace officer or any military unit of the state or of the United States or any common carrier for hire, to transport or have in his or its possession or under his control a firearm known as a machine rifle, machine gun, or submachine gun: *Provided*, That banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup, may secure permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms: *Provided further*, That museums, American Legion posts, and other similar patriotic organizations may possess such firearms, when not usable as a weapon and when possessed as a curiosity, ornament or keepsake.

SEC. 2. That any person violating the provisions of the preceding section shall be guilty of a felony, and upon conviction shall be subject to imprisonment in the state penitentiary for not less than one year nor more than five years.

SEC. 3. Upon complaint being made on oath to any officer authorized to issue process for the apprehension of offenders that a firearm or firearms, known as machine rifles, machine guns or sub-machine guns as described in this act, are concealed in any par-

ticular house or place, and if such magistrate shall be satisfied that there are reasonable grounds for believing same to be true, he shall issue a warrant to search the house or place for such firearms: *Provided*, That any motor vehicle may be searched by the sheriff or other peace officer without a search warrant when such officer has reasonable grounds for believing that such vehicle contains any such firearms.

SEC. 4. Such warrant shall be directed to the sheriff of the county or any constable of the township, and shall command him to search the house or place where said firearms are being concealed, which place shall be designated specifically, but the firearms need not be accurately described in such warrant, and such warrant shall command the sheriff or other peace officer to bring such firearm before the magistrate issuing such warrant.

SEC. 5. Whenever any firearm or firearms known as machine rifles, machine guns, or submachine guns, shall be seized by any sheriff or other peace officer, such officer shall safely keep the same under his control, in the county wherein the same was seized, during the pendency of any action, either civil or criminal, growing out of such seizure and until the same is disposed of as hereinafter provided. No such officer shall retain possession of such firearms after the termination of his employment or term of office, but shall upon termination of his employment or term of office, surrender the same to the sheriff to be by him held under the same conditions as above provided.

SEC. 6. Whenever any such firearms shall be seized, either with or without a search warrant, any person claiming to own such firearms may recover possession of the same by establishing ownership of the same and establishing that such person is entitled to possession of such firearms as provided in section 1 of this act. Proceedings to recover possession of such firearms shall be by verified application in the court issuing the search warrant by which such firearms were seized, or in any court of competent jurisdiction in said county if seized without a search warrant, and written notice of the hearing upon said application shall be served on the officer holding said firearms at least five (5) days before such hearing. If no application is made within six (6) months after the seizure of the firearms, the court issuing the search warrant under which said firearms were seized, or in case of seizure without a search warrant, the judge of the district court of the county in which such seizure was made, shall without notice, declare such firearms to be contraband and order the same confiscated and destroyed: *Provided*, That such judge of the district court may by proper order, entered upon the journal of said court, permit the sheriff or other peace officer in such county to retain any such firearms for use in connection with the duties of such officers, until further order of the court. The county attorney of the county in which such firearms were seized shall, without additional compensation, represent the officer holding said firearms in any action for possession of the same.

SEC. 7. Every officer, person, firm, corporation, bank, trust company and other institution possessing any firearms known as a machine rifle, machine gun or submachine gun, except common carriers transporting such firearms for hire, shall immediately upon the taking effect of this act, or within three days after coming into possession of such firearms, file a statement with the county clerk of the county where such firearms are possessed, setting forth the name of the possessor of such firearms, the character, caliber, name of manufacturer, and serial number of such firearm, and such county clerk shall keep an accurate register containing all of such information available to all peace officers. All other firearms, including gas projectors, seized by any officer, or purchased with public funds, shall also be registered with the county clerk as hereinbefore provided, and shall be the property of the municipality purchasing the same or whose officer seized such firearm. Failure to comply with the provisions of this section shall be deemed a misdemeanor, and punishment therefor shall be by a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 8. At least once each year, the county commissioners of each county shall determine the whereabouts of each firearm registered with the county clerk of such county, and shall enter their findings upon said register.

SEC. 9. Should any court declare any section or clause of this act unconstitutional, then such declaration shall affect only the section or clause so declared to be unconstitutional and shall not affect any other section or clause of this act.

SEC. 10. That this act shall take effect and be in force from and after its publication in the statute book.

Approved November 28, 1933.

CHAPTER 63

RELATING TO DRAINAGE DISTRICTS WITH AN ASSESSED VALUATION OF THIRTY MILLION DOLLARS OR MORE, LYING WITHIN, OR PARTLY WITHIN, A CITY OF THE FIRST CLASS; PROVIDING FOR CERTAIN IMPROVEMENTS THEREIN

House Bill No. 165

AN ACT relating to drainage districts with an assessed valuation of thirty million dollars (\$30,000,000) or more, lying within, or partly within, a city of the first class; providing for certain improvements therein.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That in any drainage district created, organized and existing under and by virtue of chapter 215 of the Session Laws of 1905 and acts amendatory of or supplemental thereto (chapter 24, article 4, Revised Statutes 1923, and acts amendatory and supplemental thereto) lying within or partly within any city of the first