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## AIRSOFT GUNS IN KANSAS-APPLICABLE LEGAL PROVISIONS

### General Information

An Airsoft gun is similar to a BB gun, but discharges nonmetallic, plastic projectiles rather than metal projectiles. Such guns discharge projectiles either by spring force, by use of an electric motor, or use of gas tanks. Statutes and ordinances refer to such guns as Airsoft guns, air rifles, or air guns. It is important to consult definitions for both air rifles and firearms when determining which laws and regulations apply, as firearms are regulated by both Federal and State law.

### Federal Law

As defined in 18 USC §921(a)(3)<sup>1</sup>, the term firearm means:

(3) ... (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Federal firearm restrictions do not generally appear to apply to an Airsoft gun because the devices do not expel projectiles by explosion. However, if an Airsoft gun was built on the frame or receiver of an actual firearm, or could be readily converted into a firearm, the Airsoft gun may be federally regulated.

In addition, federal regulations regarding “look-alike” firearms may apply. As defined in 15 USC §5001(c)<sup>2</sup>, “look-alike” firearms are:

...any imitation of any original firearm which was manufactured, designed, and produced since 1898, including and limited to toy guns, water guns, replica nonguns, and air-soft guns firing nonmetallic projectiles. Such term does not include any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or traditional B-B, paint-ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

1 <https://www.law.cornell.edu/uscode/text/18/921>

2 <https://www.law.cornell.edu/uscode/text/15/5001>

Since Airsoft guns are considered “look-alike” firearms, they are required to be sold with a blaze orange plug inserted into the barrel (15 USC §5001(b)<sup>3</sup>).

### **Kansas Law**

Firearms are mostly regulated in Chapters 21 (criminal law provisions) and Chapter 75, §7c (concealed carry provisions) of the Kansas Statutes Annotated.

For crimes involving firearms, KSA 21-5111(m)<sup>4</sup>, defines a firearm as “...any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.”

For concealed carry purposes firearm is defined by KSA 75-7b01(i)<sup>5</sup> as:

(1) A pistol or revolver which is designed to be fired by the use of a single hand and which is designed to fire or capable of firing fixed cartridge ammunition; or (2) any other weapon which will or is designed to expel a projectile by the action of an explosive and which is designed to be fired by the use of a single hand.

Since Airsoft rifles propel projectiles by air or gas pressure, and do not fire fixed cartridge ammunition, the devices would not likely be subject to criminal provisions or concealed carry provisions of Kansas law.

Kansas law also contains an exception for possessing air guns on school property. KSA 72-6134<sup>6</sup> precludes school districts from adopting policies that prohibit certain organizations from conducting air gun activities on school property, however, schools may adopt policies that would prohibit the possession of an air gun by students at school, or on school property except during the allowed activities. KSA 72-6131<sup>7</sup> also limits such air guns to .18 caliber or less with a muzzle velocity of not more than 700 feet per second.

### **Local Ordinances**

Local governments within the State may also have their own regulations in place concerning air rifles. Such regulations could include a minimum purchase age or minimum possession age.

In addition, many municipalities across the state have adopted the Uniform Public Offense Code for Kansas Cities (UPOC)<sup>8</sup> which is published by the League of Kansas Municipalities. The UPOC contains specific restrictions related to the use of Airsoft guns.

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3 <https://www.law.cornell.edu/uscode/text/15/5001>

4 [http://www.ksrevisor.org/statutes/chapters/ch21/021\\_051\\_0011.html](http://www.ksrevisor.org/statutes/chapters/ch21/021_051_0011.html)

5 [http://www.ksrevisor.org/statutes/chapters/ch75/075\\_007b\\_0001.html](http://www.ksrevisor.org/statutes/chapters/ch75/075_007b_0001.html)

6 [http://www.ksrevisor.org/statutes/chapters/ch72/072\\_061\\_0034.html](http://www.ksrevisor.org/statutes/chapters/ch72/072_061_0034.html)

7 [http://www.ksrevisor.org/statutes/chapters/ch72/072\\_061\\_0031.html](http://www.ksrevisor.org/statutes/chapters/ch72/072_061_0031.html)

Article 1, §1.1 defines an air rifle as:

[a]ny device whether or not in the shape and form commonly associated with the terms pistol, sidearm, small arm, rifle, shotgun, or any other type of gun designed to forcibly expel from an opening therein any pellet or BB shot, and whether operating from and upon compressed air or mechanical or elastic spring work or otherwise.

Article 10, §10.6 of the UPOC makes it a Class C violation to operate “any air gun, [or] air rifle... within the city, except within a building or other structure from which the projectiles cannot escape.”

Article 10, §10.7 of the UPOC allows the chief of police to seize and hold any air rifle operated unlawfully as evidence before a court hearing.

Article 10, §10.8 of the the UPOC makes it a Class C violation to conspire to or aid and abet in the discharge of an air rifle unlawfully with the city, and it is further unlawful for a parent of a minor child to willfully or knowingly permit such child to operate or discharge an air rifle within the city, subject to the exception listed in §10.6.

Article 12, §12.1 and §12.2 of the UPOC provides that Class C violations carry a potential sentence of confinement in the city or county jail for up to one month, a fine of up to \$500, or both.

Because local regulations, as well as adoption of the UPOC, vary from locality to locality, local government officials of the relevant jurisdiction should be contacted to confirm the existence of any local regulations concerning air rifles.

## **Summary**

Although Federal or State provisions regarding the discharge, sale, and possession of Airsoft guns could not be located, local jurisdictions may or may not have such regulations. Persons considering purchasing or possessing an Airsoft gun should contact their local authorities to determine whether any regulations exist.

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8 <http://www.haysusa.com/html/ordinances.html>