

CLEAN

05/27/2014

ORDINANCE NO. 49-763

AN ORDINANCE AMENDING SECTIONS 5.88.010 AND 5.88.030 AND REPEALING CHAPTER 5.89 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO WEAPONS AND FIREARMS AND REPEALING THE ORIGINAL OF SAID SECTIONS.

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

SECTION 1. Section 5.88.010 of the Code of the City of Wichita, Kansas, is hereby amended to read as follows:

"Unlawful use of weapons. (1) Unlawful use of a weapon is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, night stick, metal knuckles or throwing star;

(b) Possessing with intent to use the same unlawfully against another, any bludgeon, sandclub, billy, blackjack, slingshot, nightstick, nun-chucks, sap gloves, ~~tomahawk~~ or any other dangerous or deadly instrument of like character;

(c) Drawing a pistol, revolver or any other deadly weapon upon any person;

(d) As used in this section, "*throwing star*" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

(2) Subsections (1)(c) of this subsection shall not apply to or affect any of the following:

(a) 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;

(b) Wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of a crime, while acting within the scope of their authority;

(c) 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

(d) Individuals employed as security officers by the City of Wichita, who are authorized by the chief of police, with the approval of the city manager, to carry firearms, while acting within the scope of their authority as a security officer for the City of Wichita.

(e) Historical re-enactors and actors when engaged in performances and demonstrations. Provided, however, this subsection shall only

apply to those performances and demonstrations which have been approved in advance in writing by the city manager or his designee.

(3) Any person who violates any of the provisions of this section within the corporate limits of the city shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500.00 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(4) In addition to the penalty for violation of any of the provisions of this section, it shall be the duty of the Municipal Court Judge in the discretion of the court:

(a) To order any weapon or firearm seized in connection with such violation to be forfeited to the city and the same shall be disposed of by the chief of police as set forth below whenever the weapon is no longer needed for evidence;

(b) The Chief of Police may dispose of any forfeited weapon by:

(i) Forfeiting the weapon or firearm to the Wichita Police Department for use within the police department, for sale to a properly licensed federal firearms dealer or for trading to a properly licensed federal firearms dealer by the police department for other new or used firearms or accessories for the police department's use; ~~or~~

(ii) Forfeiting the weapon or firearm to the Kansas Bureau of Investigation for law enforcement, testing, comparison

or destruction by the Kansas Bureau of Investigation Forensic Laboratory;

(iii) Forfeiting the weapon or firearm to the Sedgwick County Regional Forensic Science Center for testing, comparison or other forensic purposes; or

(iv) Selling the weapon or firearm at public auction.

If weapons are sold as authorized above, the proceeds from any such sale shall be credited to the asset seizure and forfeiture fund of the Wichita Police Department. All transactions involving weapons disposed of under this subsection must have the prior approval of the city manager. All sales of weapons are subject to review by the city council.

(c) Any weapon which cannot be forfeited or sold pursuant to subsection (b), due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 21-5401, 21-5402, 21-5403, 21-5404 and 21-5405 and amendments thereto, shall be destroyed.

(d) If a weapon is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon is seized, then within 30 days after the declining of charges or conclusion of prosecution of the case against the individual, including any period of appeal, the Wichita Police Department shall verify that the weapon is not stolen and upon such verification, shall notify the person from whom it was seized that the weapon may be retrieved. Such

notification shall include the location where such weapon may be retrieved.

(e) Any stolen weapon confiscated in connection with any violation of this code shall be returned to the person entitled to possession, if known, when the same is no longer needed for evidence. All other weapons shall be disposed of as provided in subsection (6)(b) of this section.

SECTION 2. Section 5.88.030 of the Code of the City of Wichita, Kansas, is hereby repealed:

SECTION 3. Section 5.89.010 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 4. Section 5.89.020 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 5. Section 5.89.030 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 6. Section 5.89.040 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 7. Section 5.89.050 of the Code of the City of Wichita, Kansas, is hereby repealed.

SECTION 8. The originals of Sections 5.88.010, 5.88.030, 5.89.010, 5.89.020, 5.89.030, 5.89.040 and 5.89.050 are hereby repealed.

SECTION 9. This ordinance shall be included in the Code of the City of Wichita, 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 Wichita, Kansas, this 17th day of June,
2014.

Carl Brewer, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law