

1 (Published in the Topeka Metro News December 31, 2012)

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3 **ORDINANCE NO. 19782**

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5 AN ORDINANCE introduced by City Manager Jim Colson, concerning possession of  
6 a firearm during certain misdemeanors, creating City of Topeka  
7 Code §9.40.045.  
8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

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11 Section 1. That The Code of the City of Topeka, Kansas, is hereby amended  
12 by adding a section, to be numbered 9.40.045, which said section reads as follows:

13 **Possession of firearm during commission of certain misdemeanors.**

14 (a) Definitions:

15 (1) "Firearm" shall mean any weapon designed or having the capacity  
16 to propel a projectile by force of an explosion or combustion.

17 (2) "Possess" shall mean to have on one's person or within the  
18 person's immediate control.

19 (b) It shall be unlawful to possess a firearm during the commission or  
20 attempted commission of any of the following misdemeanors: battery, battery against a  
21 law enforcement officer, sexual battery, assault, assault of a law enforcement officer,  
22 unlawful restraint, violation of a protective order, stalking, theft, criminal trespass,  
23 disorderly conduct, endangerment, and possession of controlled substances prohibited  
24 by Chapter 9.50 TMC.

25 (c) Any person who violates section (b) within the corporate limits of the city  
26 shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$2,500,  
27 or by imprisonment not to exceed one year, or both such fine and imprisonment.

Section 2. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 4. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on December 18, 2012.

CITY OF TOPEKA, KANSAS

ATTEST:

William W. Bunten, Mayor

Brenda Younger, City Clerk