FREQUENTLY ASKED QUESTIONS

CODE VIOLATION: DISCHARGE OF FIREARMS ACROSS PROPERTY BOUNDARIES IN THE UNINCORPORATED AREA OF JOHNSON COUNTY, KANSAS

1. Why is Johnson County adopting this Code violation? There have been several reported incidents to the Johnson County Sheriff’s Office over the past few years of stray gunfire in the unincorporated area of Johnson County striking trees, signs, residences, outbuildings, vehicles, and equipment. Johnson County supports the responsible use of firearms but needs to protect residents against irresponsible and dangerous use in the unincorporated areas.

2. As a landowner, can I be charged under this code violation for someone else shooting a firearm on my property? No. Only a person shooting the firearm can be charged. That person can only be charged if they shoot a projectile (bullet or shot) across property lines without permission.

3. What is the penalty for code violation? Any person who is convicted of this code violation may be fined a minimum of $500 and up to a maximum of $1000. Each violation of this code provision constitutes a separate offense and is punishable as a separate violation.

4. What if I own the adjoining properties or have permission of a landowner to shoot a firearm, can I be found guilty of this code violation? No. It is a defense if you own the real property where the firearm is discharged and all other property onto, or over, which the projectile travels. It is also a defense if you have prior consent to discharge a firearm of the owner of the real property where the firearm is discharged and the owners of all other real property onto, or over, which the projectile travels.

5. Can I be fined if a bullet flies across a property but doesn’t land on the person’s property? Yes, unless you have prior consent of the owner of the real property onto, or over, which the projectile travels.

6. Can I still fire a gun on my property or on property where I have permission of the landowner? Of course. You can only be fined under this section if your bullet crosses property lines without prior consent of the landowner of the real property on which the gun is fired and the consent of the landowner onto or over which the projectile travels.

7. What if I fire my gun in self-defense, can I be charged with this code violation? It is not a violation of this code provision when your bullet crosses a property line if you are discharging the firearm in lawful defense of life.

8. How is the code provision to be enforced? The investigation of a violation of this code provision will be by the Johnson County Sheriff’s Office. They may write you a citation and you would have to respond through the Johnson County District Court, Codes Division (Codes Court).
9. When is this code provision effective? The code provision is effective upon its adoption by the Johnson County Board of Commissions and its publication once in the official county newspaper.

10. What area of Johnson County will the code be enforced? The code provision will be enforced in the unincorporated area only. However, consult with city officials regarding prohibitions of discharging firearms within city limits.

11. Is a violation of this code provision a crime? No. A violation of this code provision is a civil infraction. It is not a criminal act. It won’t show up on a criminal record or in criminal court files. However, if you violate this provision multiple times, the Johnson County District Attorney may consider your conduct to rise to the level of being reckless at some point and decide to file criminal charges. Also, there could be a separate crime committed in addition to a code violation such as assault or some other crime.

12. Can I be held civilly liable in addition to a code violation? Potentially yes. A landowner impacted by a stray bullet could file a separate lawsuit for their own damages in civil court, apart from any violation of this code provision.

13. Is firing fireworks a violation of this code provision? No. However, it may potentially violate Section 50-72 unless you have a permit under Section 50-73.

14. What if a bullet comes on my property, but I don’t know who fired the gun or what direction the bullet came from? What should I do? Any stray shooting should be immediately reported to the Johnson County Sheriff’s Office for investigation on the non-emergency line at 913-782-0720.