

66-2304. Nuclear security guard; use of force; use of deadly force, when. (a) An armed nuclear security guard is justified in using physical force against another person at a nuclear generating facility or structure or fenced yard of a nuclear generating facility if the armed nuclear security guard reasonably believes that such force is necessary to prevent or terminate the commission or attempted commission of criminal damage to property as defined in subsection (a)(1) of K.S.A. 2016 Supp. 21-5813, and amendments thereto, criminal use of weapons as defined in subsections (a)(1) through (a)(6) of K.S.A. 2016 Supp. 21-6301 or subsection (a)(1) through (a)(5) of K.S.A. 2016 Supp. 21-6302, and amendments thereto, or criminal trespass on a nuclear generating facility under K.S.A. 2016 Supp. 66-2303, and amendments thereto.

(b) Notwithstanding the provisions of K.S.A. 2016 Supp. 21-5222, 21-5223, 21-5225, 21-5227 and 21-5228, and amendments thereto, an armed nuclear security guard is justified in using physical force up to and including deadly physical force against another person at a nuclear generating facility or structure or fenced yard of a nuclear generating facility if the armed nuclear security guard reasonably believes that such force is necessary to:

(1) Prevent the commission of manslaughter as defined in K.S.A. 2016 Supp. 21-5404 or 21-5405, and amendments thereto, murder in the first degree as defined in K.S.A. 2016 Supp. 21-5402, and amendments thereto, murder in the second degree as defined in K.S.A. 2016 Supp. 21-5403, and amendments thereto, aggravated assault as defined in subsection (b) of K.S.A. 2016 Supp. 21-5412, and amendments thereto, kidnapping as defined in subsection (a) of K.S.A. 2016 Supp. 21-5408, and amendments thereto, aggravated kidnapping as defined in subsection (b) of K.S.A. 2016 Supp. 21-5408, and amendments thereto, aggravated burglary as defined in subsection (b) of K.S.A. 2016 Supp. 21-5807, and amendments thereto, arson as defined in subsection (a) of K.S.A. 2016 Supp. 21-5812, and amendments thereto, aggravated arson as defined in subsection (b) of K.S.A. 2016 Supp. 21-5812, and amendments thereto, aggravated robbery as defined in subsection (b) of K.S.A. 2016 Supp. 21-5420, and amendments thereto; or

(2) defend oneself or a third person from the use or imminent use of deadly physical force.

(c) Notwithstanding any other provision of this act, an armed nuclear security guard is justified in threatening to use physical or deadly physical force if and to the extent a reasonable armed nuclear security guard believes it necessary to protect oneself or others against another person's potential use of physical force or deadly physical force.

(d) No armed nuclear security guard, employer of an armed nuclear security guard or owner of a nuclear generating facility shall be subject to civil liability for conduct of an armed nuclear security guard which is justified pursuant to this act.

History: L. 2006, ch. 27, § 4; L. 2011, ch. 91, § 31; July 1.

Section was also amended by L. 2011, ch. 30, § 249, but that version was repealed by L. 2011, ch. 91, § 41.