



STATE OF KANSAS

## Office of the Attorney General

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**Curt T. Schneider**  
Attorney General

June 14, 1978

ATTORNEY GENERAL OPINION NO. 78- 192

Mr. Douglas S. Brunson  
Kiowa County Attorney  
Kiowa County Courthouse  
Greensburg, Kansas 67054

Re: Crimes And Offenses--Aggravated Weapon Violation--  
Elements

Synopsis: In determining the running of the five (5) year term cited in K.S.A. 21-4202, "release from imprisonment" shall be strictly construed to mean the release from confinement in a penal institution and does not include that time during which the convicted felon is under parole from a penal institution.

\* \* \*

Dear Mr. Brunson:

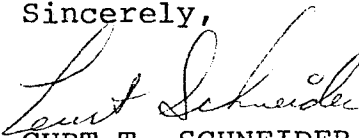
You question the meaning of the phrase "release from imprisonment" as used in K.S.A. 21-4202, which states in pertinent part thus:

"An aggravated weapons violation is a violation of any of the provisions of K.S.A. 1969 Supp. 21-4201 by a person who within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony."

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It is a widely recognized rule that penal statutes shall be strictly construed and are to be interpreted strictly against the state and liberally in favor of the accused. Nothing may be read into penal statutes by implication. (See 71 Am.Jur.2d, Statute, § 295.)

Thus, in interpreting "release from imprisonment," as used in K.S.A. 21-4202, it shall be strictly construed in favor of the accused to mean the release from confinement in a penal institution, and does not, by implication, include that time during which the convicted felon is under parole from a penal institution.

Sincerely,  
  
CURT T. SCHNEIDER  
Attorney General

CTS:AFR:jj