

MINUTES OF THE HOUSE FEDERAL & STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairperson Doug Mays at 1:40 p.m. on February 14, 2002 in Room 313-S of the Capitol.

All members were present except: Representative Judy Morrison, Excused
Representative Tony Powell, Excused

Committee staff present: Mary Torrence, Revisor of Statutes
Shelia Pearman, Committee Secretary

Conferees appearing before the committee: Rep. Bob Bethel
Sheriff Steve Bundy, Rice County
Deputy Danny Evans, Rice County
Charles Bloss, Jr.
Dave Reavis, State Lodge Fraternal Order of Police
Don Woolery, State Lodge Fraternal Order of Police
Dennis Shell, Retired Officer

Others attending: See attached list

Without objection, bill was introduced as requested by Representative Ethel Peterson regarding resolution of impasses in public employer-employee disputes. [HB 2825]

Without objection, bill was introduced as requested by Representative Williams regarding time of election canvass by county board of canvassers. [HB 2996]

Chairman Mays opened the hearing on HB 2643 - Use of silencers by certain law enforcement officers. Representative Bethell stated during a ride with Deputy Evans he learned there is an increased risk of explosion if a shot is fired during a methamphetamine raid without a firearm suppressor. He urged the committee to support HB 2643 to increase the safety for those who enforce our laws as they attempt to curtail illegal activity in Kansas. (Attachment #1)

Sheriff Bundy expressed the potential HB 2643 has to save lives in the law enforcement community and the public sector via the use of firearm silencers. He stated this equipment offers the capability of minimizing the risk of explosion and possible death to citizens, in the hands of trained professionals. (Attachment #2)

Deputy Evans discussed the advantages of silencers to law enforcement and society in various conditions and urged the committee's support of HB 2643. (Attachment #3)

The hearing on HB 2643 was closed.

Chairman Mays opened the hearing on HB 2796 - Retired law enforcement officer allowed to carry concealed firearm. Mr. Bloss request that retired law enforcement officers be able to legally carry firearms by updating to K.S.A. 21-4201. This would provide more armed, trained, experienced law enforcement officers at no additional cost. These individuals annually obtained 40 hours annually in service training during employment and must following retirement must qualify annually with their firearms. (Attachment #4)

Mr. Reavis with more than 31 years of service stated his support of HB 2796 with additional comments related to increased safety for the former officer and their family due to the wide range of cases they have experienced as law enforcement officers. (Attachment #5)

Mr. Shell rose in support of HB 2796 because it would permit retired police officers like himself to assist in circumstances where needed without personal fear of liability.

Written testimony in support of HB 2796 was submitted by the Roeland Park Chief of Police Frank Denning on behalf of Kansas Peace Officers' Association citing a retired officer maintains firearms

qualifications and should be honored with carrying a concealed firearm without apprehension of violating current state statute. (Attachment #6)

Written testimony in opposition of **HB 2796** was submitted by Safe State Kansas because it would give special privileges to a minority group while circumventing carefully considered laws that protect the health and safety of communities in the state. (Attachment #7)

The hearing on **HB 2796** was closed.

The committee meeting adjourned at 2:55 p.m. The next scheduled meeting is February 18, 2002.

BOB BETHELL
REPRESENTATIVE, 113TH DISTRICT
104 E. THIRD, P.O. BOX 186
ALDEN, KS 67512
(316) 534-3085
FAX 316-534-3086
bethell@ink.org

STATE OF KANSAS



COMMITTEE ASSIGNMENTS
VICE-CHAIR: KANSAS FIREARMS
MEMBER: APPROPRIATIONS
SOCIAL SERVICES BUDGET

STATE CAPITOL—ROOM 175-W
TOPEKA, KS 66612-1504
785-296-7693

TOPEKA

Testimony on House Bill 2643

Chairman Mays, members of the House Federal and State Affairs, I am Bob Bethell, Representative of the 113th District.

I come before you today in support of HB 2643. This last summer when I was chatting with one of Rice Counties Finest, Deputy Sheriff Danny Evans about my attention to the finer points of speed control and appropriate skills for driving on the roads and highways of Kansas, the topic of suppressors came up. Deputy Evans asked me what I thought of suppressors and showing my ignorance I asked him to explain what he meant. It was at that time that I learned that “suppressor” was another name for a silencer.

You may ask now the same question that I asked, “Why do you need a silencer?” Currently this hardware is illegal for all citizens in Kansas including law enforcement officers. HB 2643 if enacted would allow law enforcement officers to use silencers/suppressors when authorized by commanders. The equipment would be issued for specific operations and returned to the organization state, county or city for storage until the next need.

The purpose of the allowing the use would be to reduce risk when entering an enclosed area that may have explosive fumes. With the firearms equipped with suppressors the flash would be lessened and thus less likely to ignite any fumes that may be present.

My concern is for the safety of those who enforce our laws and take the risk to curtail the illegal activity that jepordizes each citizen of Kansas. I would ask that you consider HB 2643 favorably.

Chairman Mays again I wish to thank you and the committee for your time, and I will stand for questions.

House Fed. &
State Affairs
Date 2/14/02
Attachment No. 1
Page 1 of 1

HOUSE BILL 2643

Suppression Devices for Law Enforcement Weapons

*By Sheriff Steve Bundy
Rice County, Kansas*

Honorable Committee Members,

I wish to express my support for HB 2643. I feel this bill has the potential to save lives, both in the law enforcement community and the public sector. I make my case based upon the epidemic facing all of Kansas, the illegal manufacturing of methamphetamine.

I approached this issue from the viewpoint of safety rather than the potential tactical advantages the bill may offer. In my county, Rice County (county seat Lyons), my department is constantly investigating the production of methamphetamine. As you are aware, the production of this drug in clandestine labs creates great hazards for the alleged manufactures, the communities in which they live, the law enforcement officers investigating the crimes and to the environment.

Often it is the case that the alleged manufacturers have firearms on their person or at least on the premises which are involved in the illegal production of this narcotic. When intelligence of this nature is developed it creates a much greater threat level for officers and citizens when these labs are disabled through police action. When these situations arise generally special operations teams enter these locations to secure the suspects. Equipment utilized by these teams includes specialized weaponry capable of quickly subduing suspects attempting to cause bodily harm to officers or others. At various stages of the production of methamphetamine the chemical processes involved are vulnerable to explosion. The potential for an officer to be forced to discharge a weapon in an area used for methamphetamine production filled with explosive vapors is a true concern. The likelihood for an explosion in these situations is all but a certainty due to the muzzle flash associated with the discharge of a firearm. However, there is a way to minimize or prevent such a tragedy.

Suppressers offer the capability of minimizing the risk of explosion and possible death to citizens, agents, deputies, and officers involved in such operations. Such tools in the hands of properly trained professionals which offer the potential to save lives should receive full support of the legislature. Here, you are presented an opportunity to make methamphetamine investigations safer for all Kansans, I strongly urge you to give it your full consideration. Your law enforcement officers desire to go home to their families each and every night, please give them every possible advantage to do just that.

Respectfully submitted,



House Fed. &
State Affairs
Date 2/14/02
Attachment No. 2
Page 1 of 1

HOUSE BILL 2643

Suppression Devices for Law Enforcement Weapons

By Deputy Dan Evans, Rice County Sheriff's Department

Honorable Committee Members,

I am appearing before you today to show my support for passage of HB 2643. I bring experiences as an eighteen year veteran of law enforcement and a certified firearms armorer. I feel this bill has the potential to assist law enforcement in their duties to make our great state one of the safest in which to live.

There are many positions which could be used to persuade you to consider passage of this bill. I will address some of the tactical issues which this bill could relieve.

Law enforcement is an inherently dangerous profession. At no time in American history was that more apparent than on September 11th, 2001 in New York City when so many of my peers were lost. Criminals are using cutting edge technology to by pass societies laws and regulations and it is critical that the law enforcement community have access to all available tools which can assist them in their sworn duties. Elected officials have a responsibility to see that those entrusted to serve and protect have those tools. This bill proposes law enforcement weapons have the ability to be used in combination with a suppression device. Suppression devices offer these advantages to law enforcement and society:

- Reduction of firearm noise, recoil and flash
*Officers could better hear and recognize dangers in their surroundings.
Less recoil allows better target acquisition.*
- Better concealment of the officer
Greatly subdued flash allows officer's position to remain vague yet allows the alleged criminal to know of their presence.
- Neutralization of objects
On occasion during special operations things such as street lights or vehicles may need to be neutralized to provide better safety to the public and officers.
- Night operations
Many meth labs are raided at or before dawn using the advantages darkness offers. Muzzle flash can cause temporary blindness to officers if weapons are forced to be used creating a very dangerous situation.
- Viscous animal control
Many criminals use viscous dogs for protection from the police. On rare occasion they may need to be put down to not compromise an operation.

House Fed. &

State Affairs

Date 2/14/02

Attachment No. 3

Page 1 of 2

- Training
Even though our state is very rural by nature many of the departments whom do have organized special operations (SWAT) teams are located in urban areas. In some instances urban sprawl and training grounds conflict and a form of relative quiet firearms training is offered through suppressed weapons.
- Potential relief in civil and criminal litigation
With the level of litigation in our society increasing at a pace courts are unprepared to keep pace with it is important consideration be given to all options available to assist our peace keepers in carrying out their duties.

Thank you for your consideration of this bill. I appreciate your time and inquiry into this matter.

Respectfully,



Dan Evans

CHARLES L. BLOSS, JR.

POST OFFICE BOX 109
LECOMPTON, KANSAS 66050

February 14, 2001

RE: H.B. 2796

My name is Charles L. Bloss, Jr. I served as a Deputy Sheriff for Shawnee County from September 9, 1974 until October 31, 1997.

Following the terrorist bombing of the world trade center, I became concerned about the security of my country. I thought I could use my training and experience, and that of numerous other retired officers, to help increase public safety. I asked my representative, Tom Sloan, to introduce this bill. The bill provides for law enforcement officers to legally carry their firearms following retirement.

The bill accomplishes this by simply adding retired officers to the list of exemptions in K.S.A. 21-4201, the statute relating to criminal use of weapons. The requirements to authorize a retired officer to do this are simple as well. A retired officer must qualify with their firearm once yearly with an NRA (National Rifle Association) or K.L.E.T.C (Kansas Law Enforcement Training Center) certified instructor. They must carry an identification card from the department they retired from, stating that they are a retired officer.

There are several advantages to this bill. It would permit officers, who have given their entire career to protecting the public, to protect themselves and their families should they encounter criminals that they previously arrested. Many of these criminals are violent, and/or armed.

It would provide more armed, trained, experienced law enforcement officers in public places at no additional cost to taxpayers. Although these retired officers would only have the same arrest powers as ordinary citizens, they have training, and experience. They could help stop crime and save lives. This bill does NOT require a retired officer to be armed. It only permits those who wish to, to legally do so.

The safety of the public will be enhanced by having these retired officers armed. All of the officers have been through a law enforcement training academy, and have received extensive firearms training. They have had 40 hours of yearly in service training, as provided by state law, during their employment.

This bill has the support of the Kansas Fraternal Order of Police, as well as the Law Enforcement Alliance of America. I e-mailed information on this bill to various other state law enforcement groups. Due to the fact I was provided with the bill number on Monday, and given three day notice of this hearing, I haven't heard back from them.

I would appreciate your support in getting H.B. 2796 enacted into law. Thank you.

House Fed. &
State Affairs

Date 2/14/02

Attachment No. 4

Page 1 of 1

February 14, 2002

Mr Chairman, Representatives and Staff of the House Committee on Federal and State Affairs, my name is David Reavis and I come before you today to speak in favor of the amendment to allow retired law enforcement officers to carry a weapon concealed on his or her person as set forth in House Bill 2796, subsection c-7.

I was in law enforcement thirty-one years before retiring in 1993. I was a Military Policeman in the US Army at nineteen years of age, a Deputy Sheriff at twenty, a Police Officer at twenty-five and a Police Detective at thirty-six. I was a licensed Private Investigator for four years and am now an Investigator for the Kansas Gaming Agency.

In all my years in law enforcement, I feel fortunate to have only been run over one time by a speeding car and to have had to use my weapon one time. I credit this to training, experience and good common sense.

I speak in favor of this amendment for two reasons:

1. Personal and family protection.

I have helped put a lot of people in jail and prison. These people do not ever forget who put them there. Hatred fades over time in most circumstances, but it only takes one time for a retired law enforcement officer to become a fond memory by the hand of a convicted felon. We must have the ability to protect ourselves in any situation.

2. Having a trained professional available to assist in a time of need.

Retired law enforcement officers never stop being cops. These men and women have spent years training on how to and when to react to situations involving public safety situations and the enforcement of laws. It is virtually impossible to turn off the law enforcement commitment in one day. Law enforcement officers, whether active or retired, will react without hesitation almost instinctively to potentially dangerous situations. I do not believe retired officers go out of their way to put themselves in harm's way, but if something happens in their presence the retired officer will take action just as he did when he was "on the force". Out of all the categories listed in subsection c, the retired law enforcement officer is by far the most highly trained, mature and experienced person on the list. He or she is extremely competent to handle any situation that may be encountered simply because to retire from law enforcement in Kansas requires at least twenty years of service and at least forty hours of annual training during this service, which includes firearms qualification.

I am fifty-nine years old today, but I would still help a fellow officer or a citizen who needed assistance.. Please help us do better what we are already doing.

House Fed. &
State Affairs
Date 2/14/02
Attachment No. 5
Page 1 of 1

KANSAS PEACE OFFICERS' ASSOCIATION
P.O. BOX 2592
WICHITA, KANSAS 67201
TELEPHONE 316-946-KPOA

PRESENTATION TO
FEDERAL AND STATE AFFAIRS COMMITTEE
Thursday, February 14, 2002
REPRESENTATIVE DOUG MAYS

HOUSE BILL NO. 2796

Written testimony presented by Chief of Police Frank Denning, Roeland Park Police Department, Roeland Park, Kansas and on behalf of **KANSAS PEACE OFFICERS' ASSOCIATION, P.O. BOX 2592, WICHITA, KANSAS.**

We come to you in the role of support regarding House Bill No. 2796. The Kansas Peace Officers' Association (KPOA) represents over 3800 law enforcement officers in the State of Kansas and several other states. We are the largest law enforcement membership in the State of Kansas. Parts of our membership, life members included, are retired law enforcement who have served honorably in the State of Kansas.

Those retired members have been trained throughout their twenty, thirty and sometimes forty year plus careers in firearms. Each officer has qualified a minimum of once a year. I can assure you that the typical officer qualifies at least five times a year and most more than ten. The majority of these officers finish in the "trenches". They are fully certified in firearms upon the day of their retirement celebrations.

These retirees have performed their duties with great diligence. Because of this, there is some concern for their personal safety. They have the training, they comprehend the dangers and they know the liability associated with carrying a loaded weapon. By maintaining the standards of firearms qualification, through a certified firearms instructor program and carrying an identification card from a police department or sheriff's office in the State of Kansas, they should be honored with carrying a firearm in a concealed fashion without apprehension of violating the current state statute.

In closing, I would like to recommend that this bill, with the amendments, proceed as written. If the committee has any questions or needs additional comments please contact me at 913-677-3363 and I will respond. I await your comments or questions.

Chief of Police Frank Denning

House Fed. &
State Affairs
Date 2/14/02
Attachment No. 6
Page 1 of 1

To: Representative Doug Mays, Chairman
House Committee on Federal and State Affairs

From: Karole Bradford, Program Director,
Safe State Kansas, Inter-Faith Ministries

Re: HB2796: An Act concerning crimes and punishment; relating to
the criminal use of weapons; amending K.S.A. 2001 Supp. 21-
4201 and repealing the existing section.

Date: February 13, 2002

Safe State Kansas opposes HB2796.

Safe State Kansas opposes this bill for several reasons. First, this bill is unnecessary. Second, it allows unsupervised individuals to carry concealed weapons. Third, it enables individuals to bypass state and local laws regulating concealed carry of firearms.

This bill is unnecessary; there is no demonstrated need for this bill. Partial or complete legalization of carrying concealed weapons has had a demonstrable negative effect on the health and safety of other states. Other than legalizing the carrying of concealed weapons by unsupervised individuals, there is no demonstrable benefit to changing Kansas state law in this manner. Any need or desire for special interest groups to receive special attention under Kansas law should be balanced in a common sense manner against the clear and well defined risks of the change.

This bill does not provide for supervision of retired law enforcement officers who would be allowed to carry concealed weapons. By allowing retired law enforcement officers to carry concealed weapons, this bill gives them the same responsibilities that law enforcement officers have, without providing the structure, training support, and oversight that ensure safe practices and conduct relating to those responsibilities. Law enforcement officers are subject to departmental regulations regarding drawing of weapons and discharge of weapons. Law enforcement officers receive extensive training and other support procedures. **These are significant protections that**

Safe State Kansas, Inter-Faith Ministries
829 N Market, Wichita, KS 67214
316-264-9303 316-264-2233(fax)

House Fed. &
State Affairs
Date 2/14/02
Attachment No. 7
Page 1 of 2

are in place for law enforcement officers that simply do not exist for retired officers.

This bill allows individuals to bypass state and local laws requiring private detectives and watchmen to be licensed and bonded. These laws and ordinances are necessary for the public safety of the state and the municipalities. These are common and well-defined laws that have proven effective in minimizing danger to public health and safety. These laws provide mechanisms for retired law enforcement officers to pursue other security careers safely and effectively. Moreover, these laws provide the necessary structure and oversight needed for the licensing and bonding of security personnel.

This bill would pertain not only to the types of weapons more commonly considered for concealed carry, i.e., pistols and revolvers, but is actually much more broad. Section 1, subsection (a) 4 clearly allows "or other firearms". *This could include rifles, shotguns, and military style weapons in addition to retired officers' service revolvers.*

HB2796 would give special privileges to a minority group, while circumventing carefully considered laws that protect the health and safety of communities in our state. On behalf of Safe State Kansas, a gun violence prevention organization, I urge the members of this committee to oppose this bill.

Safe State Kansas, Inter-Faith Ministries
829 N Market, Wichita, KS 67214
316-264-9303 316-264-2233(fax)

House Fed. &
State Affairs
Date 2/14/02
Attachment No. 7
Page 2 of 2