

Approved:  
Date  
10-07-04

## MINUTES OF THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

The meeting was called to order by Chairman Ward Loyd at 1:30 p.m. on March 8, 2004 in Room 241-N of the Capitol.

All members were present except:

Representative Terrie Huntington- excused

Committee staff present:

Jill Wolters, Revisor of Statutes Office  
Jerry Ann Donaldson, Legislative Research Department  
Nicoletta Buonasera, Legislative Research Department  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Emler  
Patrick Caffey, Municipal Court Judge  
Randy Hearrell, KS Judicial Council  
Kansas Walker  
Senator Donovan  
Richard Mouser, US Test Lab  
Kyle Smith, KBI

Others attending:

See Attached List.

### **SB 350 – Clarifies length of parole**

Chairman Loyd opened the hearing **SB 350**.

Senator Emler introduced and spoke briefly about the bill.

Patrick Caffey, Municipal Court Judge Manhattan, spoke in favor of the bill. The bill proposes that the court be permitted to extend parole beyond one year, to deal with special situations that prevent a defendant from being able to comply with all terms of parole within a year. (Attachment 1)

Randy Hearrell, Kansas Judicial Council supports the wording of the bill.

Chairman Loyd closed the hearing on **SB 350**.

### **SB 337 – Repealing the crime of hypnotic exhibition**

Chairman Loyd opened the hearing on **SB 337**.

Kansas Walker, spoke in favor of the bill to repeal a 1969 law prohibiting hypnosis as public entertainment. (Attachment 2)

Senator Janis Lee, submitted written testimony and letters in favor of the bill. (Attachment 3)

Chairman Loyd closed the hearing on **SB 337**.

### **SB 431 – Criminal use of weapons; certain subsections not apply to laboratories certified by the U.S. department of justice**

Chairman Loyd opened the hearing on **SB 431**.

Senator Les Donovan, spoke in favor of the bill. This bill would allow the United States Test Laboratory in Wichita, one of only two such facilities in the world, to purchase certain types of weapons or ammunition to use in the testing of flak vests and other such law enforcement equipment. (Attachment 4)

Richard Mouser, United States Test Laboratory, spoke in favor of the bill. The bill would allow the lab to be more competitive in the market. (Attachment 5)

Kyle Smith, the KBI and law enforcement supports the idea.

Chairman Loyd closed the hearing on **SB 431**.

The meeting was adjourned 2:30 PM. The next meeting is March 9, 2004.



March 8, 2004

**Testimony of Patrick Caffey, Municipal Court Judge of Manhattan, in Support of  
Senate Bill 350**

At the present time municipal courts may place a defendant on parole for only one year. Often courts have found that this limitation causes a problem dealing with special situations. There may, from time to time, be things which legitimately prevent a defendant from being able to comply with all terms of parole within a year.

The following is an example; very much like several cases which have come up in the past year.

A defendant is convicted of a DUI second offense and is required to pay \$1,000 fine, serve 5 days in jail on a 90 day sentence. As a condition of parole he is required to complete an alcohol treatment program, which of course he has to pay for, pay the fine and an alcohol assessment. One would normally assume that could all be done within one year. However, what happens if the defendant, about halfway through alcohol treatment has his National Guard unit called up and is sent to Iraq? Under current law the court has to make a choice – either have him arrested upon his return from Iraq and revoke his parole, or let him go without doing all he is supposed to have done.

This is also a problem when defendants have multiple convictions in various courts. A defendant may have not only the municipal court's misdemeanor conviction, but a felony conviction in district court. Perhaps he is on parole for a year in municipal court for domestic battery and required to have psychological treatment and is then sentenced to serve a year in prison because of a felony conviction which is unrelated to the municipal court conviction. That not only makes it difficult, it might make it impossible for him to comply with all terms of parole in one year.

We have proposed that the court be permitted to extend parole beyond one year to avoid problems such as these. We urge passage of SB 350.

I appreciate the opportunity to appear in support of this bill and I would be happy to answer your questions.

**TESTIMONY ON SB 337.....**  
**FROM: KANSAS WALKER (MONDAY 3-8-2004)**

- 1) INTRODUCTION OF SELF AND BUSINESS.**
- 2) PROBLEMS I HAVE HAD WITH HYPNOTIST BAN.**
- 3) LONG TERM AFFECT ON KANSAS ECONOMY.**  
**EX. COLLEGES, STATE FAIR, ETC.**
- 4) WHAT EXACTLY IS HYPNOSIS?**
- 5) WHAT EXACTLY IS "ALTERED ATTENTION"?**
- 6) GIVE AN EXAMPLE OF THE "POWER OF SUGGESTION"**
- 7) READ LETTER FROM THE "AMAZING KRESKIN"**
- 8) FINAL PLEA TO REPEAL THIS LAW.**

Dear Mr. Walker,

I have recently learned of the rather unusual dilemma in which a local hypnotist was discouraged from appearing at your venues because of 1969 law prohibiting hypnosis as public entertainment. Actually there are much older laws at least one in Kansas that goes back many decades before. The reason the laws have not been enforced through out the United States is one of common sense, freedom of speech, and sanity. In this day and age, it is almost incomprehensible that anyone would take this law serious. It is impossible for any such law to be enforced unless those attempting were under hypnosis. I expect to be performing in Kansas before long as I have so many times in recent years. I want to compliment your zealous effort and predict you will be successful in having the law repealed. I hope that this will enable any political members of your state legislature to awake from any trance like state they may be in.

ESpecially,

The Amazing Kreskin

Phone #- (973) 226-6342

SENATOR JANIS K. LEE  
ASSISTANT MINORITY LEADER  
STATE SENATOR, 36TH DISTRICT  
BARTON, ELLSWORTH, JEWELL,  
LINCOLN, MITCHELL, OSBORNE,  
PHILLIPS, REPUBLIC, RUSSELL  
AND SMITH COUNTIES  
RR. 2, BOX 145  
KENSINGTON, KANSAS 66951  
(785) 476-2294 HOME  
(785) 296-7366 TOPEKA  
jlee@ink.org



TOPEKA

SENATE CHAMBER

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER: ASSESSMENT & TAXATION  
RANKING MINORITY MEMBER: NATURAL RESOURCES  
MEMBER: EDUCATION  
AGRICULTURE  
UTILITIES  
REAPPORTIONMENT  
LONG TERM CARE TASK FORCE  
JOINT COMMITTEE ON  
CHILDREN'S ISSUES

March 8, 2004


Chairman Ward Loyd, and members of the House Committee on Corrections and Juvenile Justice;

SB 337 was introduced at the request of Mr. Kansas Walker for reasons he will explain.

Since the introduction of SB 337 I have received information pertaining to the issue from various individuals. This packet contains that information for your review.

I certainly agree with the comments of Mr. Ralph Arnold, Mayor of Larned, that in light of the lack of support they received for the current law from the KBI and the Kansas Attorney General's Office, it is appropriate for the legislature to again examine the issue and either reaffirm the current law, amend it, or repeal it.

Thank you for your consideration.

  
Janis K. Lee  
State Senator, 36th District

# CITY OF LARNED

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P.O. Box 70 • 417 BROADWAY • LARNED, KANSAS 67550

(620) 285-8500 • FAX (620) 285-8544

"Cities Are What People Make Them"

January 16, 2004

The Honorable Janis Lee  
State Capitol – Room 402S  
300 SW 10<sup>th</sup>  
Topeka, KS 66612-1504

Dear Senator Lee,

It is my understanding that you are willing to introduce a bill to repeal the state statute which regulates hypnotism used for entertainment. I believe that your efforts are justified and have enclosed some background information which you may find helpful.

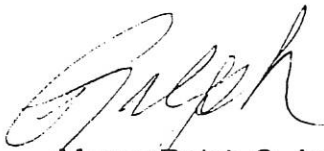
As you know, the local law enforcement agencies in Pawnee County took quite a beating in the press for the way in which the issue was handled for Kansas Walker and his show. As have other law enforcement agencies who have been faced with the same issue, the statute left no choice but for local law enforcement to take action. It is our understanding that a hypnotism show was banned from the State Fair and that Garden City has enforced the law just recently.

The issue of hypnotism for entertainment purposes will continue to be an issue here in Larned. Mr. Kansas Walker will not give up on the issue. Accordingly, in light of the lack of support from the KBI and from the Kansas Attorney General's Office on this issue, I would be in favor of action on the part of the State Legislature.

As you complete your research, you will most likely discover the intent of the original law which prohibits the use of hypnotism for entertainment. There is some unique danger in this type of entertainment, but to outlaw it in its entirety may not be justified. Please see the report from London regarding their investigation into the issue and their decision to allow the use of hypnotism as entertainment as long as certain guidelines are in place.

If I can be of any further assistance, please do not hesitate to call me.

Sincerely,



Mayor Ralph C. Arnold  
RCA/jlb





Your reference:

Our reference: ENT/96 469/2/9

5 August 1996

The Chief Executive of District Councils in England  
The Chief Executive of County & County Borough Councils in Wales  
The Chief Executive of London Borough Councils  
The Chief Executive of the Isle of Wight Council  
The Town Clerk of the City of London  
The Chief Officer of Police in England and Wales

**HOME OFFICE CIRCULAR NO: 39/1996**  
**STAGE HYPNOTISM: REVIEW OF THE HYPNOTISM ACT 1952**

This circular advises local authorities of the outcome of the Home Office's review of the Hypnotism Act 1952 and sets out revised model conditions which authorities are encouraged to attach to licences for public performances of stage hypnotism.

**Background**

2. On 12 December 1994 the House of Commons held an adjournment debate to discuss public and parliamentary concern about alleged harm suffered by some participants in public performances of stage hypnotism. This followed a period when several cases of alleged harm had received considerable media attention. The cases concerned both physical and psychological effects. At the end of the debate the then Home Office Minister, Mr Michael Forsyth, announced that a review was to be undertaken into the workings of the Hypnotism Act 1952. The review would examine evidence of possible harm to people taking part in public entertainments involving hypnotism and consider the appropriateness of the present regime of control that the Act provides, including existing arrangements for enforcement.

3. The review of medical evidence and available research literature was carried out by a panel of experts who were nominated by the British Psychological Society and the Royal College of Psychiatrists. The panel members were not experts in hypnosis but were appointed on the strength of their professional expertise in the evaluation of clinical evidence and research literature.

**MODEL CONDITIONS TO BE ATTACHED TO LICENCES FOR THE PERFORMANCE OF STAGE HYPNOTISM**

**Consents**

1. Any exhibition, demonstration or performance (hereafter referred to as a "performance") of hypnotism (as defined in the Hypnotism Act 1952) on any person requires the express written consent of the licensing authority and must comply with any attached conditions. The authority may consent either under the terms of a public entertainments licence or under the provisions of the Hypnotism Act 1952.

**Applications**

2. An application for consent under condition 1 shall be in writing and signed by the applicant or his agent and shall normally be made not less than 28 days in advance of the performance concerned. This period may be reduced in the case of a hypnotist who has performed at the same venue within the last three years without any problems occurring. The authority will normally respond within 7-14 days; less where the hypnotist has previously performed at the same venue. The applicant must at the same time forward a copy of the application to the chief officer of police; and the authority may also copy it to the local fire authority if it considers this necessary.
3. The application shall contain the following;
  - (a) the name (both real and stage, if different) and address of the person who will give the performance (hereafter referred to as the "hypnotist"), along with details of their last three performances (where and when); and
  - (b) a statement as to whether, and if so giving full details thereof, the hypnotist has been previously refused, or had withdrawn, a consent by any licensing authority or been convicted of an offence under the Hypnotism Act 1952 or of an offence involving the breach of a condition regulating or prohibiting the giving of a performance of hypnotism on any person at a place licensed for public entertainment. (Refusal of consent by another authority does not necessarily indicate that the particular hypnotist is unacceptable and will not of itself prejudice the application.)

be in normal physical and mental health and I must ask that no-one volunteers if they have a history of mental illness, are under the influence of alcohol or other drugs or are pregnant."

- (g) ~~no form of coercion shall~~ be used to persuade members of the audience to participate in the performance. In particular, hypnotists shall not use selection techniques which seek to identify and coerce onto the stage the most suggestible members of the audience without their prior knowledge of what is intended. Any use of such selection techniques (eg, asking members of the audience to clasp their hands together and asking those who cannot free them again to come onto the stage) should only be used when the audience is fully aware of what is intended and that participation is entirely voluntary at every stage;
- (h) if volunteers are to remain hypnotised during an interval in the performance, a reasonable number of attendants as agreed with the licensing authority shall be in attendance throughout to ensure their safety;

#### Prohibited actions

- (i) the performance shall be so conducted as not to be likely to cause offence to any person in the audience or any hypnotised subject;
- (j) the performance shall be so conducted as not to be likely to cause harm, anxiety or distress to any person in the audience or any hypnotised subject. In particular, the performance shall not include:-
- (i) any suggestion involving the age regression of a subject (ie, asking the subject to revert to an earlier age in their life; this does not prohibit the hypnotist from asking subjects to act as if they were a child etc);
  - (ii) any suggestion that the subject has lost something (eg, a body part) which, if it really occurred, could cause considerable distress;
  - (iii) any demonstration in which the subject is suspended between supports (so-called "catalepsy");
  - (iv) the consumption of any harmful or noxious substance;
  - (v) any demonstration of the power of hypnosis to block pain (eg, pushing a needle through the skin);
- (k) the performance shall not include giving hypnotherapy or any other form of treatment;

Chapter 21.—CRIMES AND PUNISHMENTS

ART II.—PROHIBITED CONDUCT

Part 2.—Prohibited Conduct

Article 40.—CRIMES INVOLVING VIOLATIONS OF PERSONAL RIGHTS

21-4007. Hypnotic exhibition. (1) Hypnotic exhibition is:

Giving for entertainment any instruction, exhibition, demonstration or performance in which hypnosis is used or attempted; or Permitting oneself to be exhibited for entertainment while in a state of hypnosis.

Hypnosis," as used herein, means a condition of altered attention, frequently involving a condition of increased selective suggestibility brought about by an individual through the use of certain physical or psychological manipulations of one person by another.

Hypnotic exhibition is a misdemeanor punishable by a fine of not to exceed fifty dollars (\$50).

History: L. 1969, ch. 180, § 21-4007; L. 1978, ch. 125, § 1; July 1.

---Original Message---

**From:** Don Gaeddert [mailto:lamed1@cityoflamed.kscoxmail.com]

**Sent:** Thursday, December 18, 2003 1:04 PM

**To:** APMHA@sbcglobal.net

**Subject:** hypnosis for entertainment

Although the publicity may not have reached you concerning a standoff between local law enforcement and a local restaurant owner over the enforcement of a state law in Kansas which prohibits the use of hypnotism for entertainment, our local police and sheriff departments are taking a lot of heat for enforcing the statute. Even the County Attorney has taken the position that it presents no harm to the community and will probably refuse to file charges – he also owns the local paper which has lambasted local law enforcement and the City Manager and City Attorney.

The law was passed in 1969 and has a very clear prohibition against using hypnotism for entertainment. Local law enforcement is not about to question or challenge the Legislature's reason and intent for the law, and believes that the Kansas State Legislature must have had good reasons for enacting the law. Unfortunately, that information has not been accessible to us which is why I am writing your association.

Is a law prohibiting the use of hypnotism for entertainment purposes a good law? Is there a danger or potential harm from such practice which would justify such a law?

We could really use some information along these lines to help us know how to respond to the negative publicity we've been receiving for enforcing the state law.

If your association believes that the law is unjustified, we also want to know that.

Thank you for this consideration,  
Don Gaeddert, City Manager, Lamed, KS

12/18/2003

**Don Gaeddert**

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**From:** AIH (R.A. Neves, Ph.D.) [aih@ix.netcom.com]  
**Sent:** Monday, December 22, 2003 6:00 PM  
**To:** larned1@cityoflamed.kscoxmail.com  
**Subject:** Stage Hypnosis

December 22, 2003

Dear Mr. Gaeddert:

Your e-mail to American Pacific University has been forwarded to the American Board of Hypnotherapy (ABH) for response. The ABH is one of the largest organizations for hypnosis in the United States. It has members throughout the world. Some of our members use hypnosis for entertainment purposes.

Your question about whether a law prohibiting the use of hypnotism for entertainment purposes is a good law is a subjective question the ABH cannot answer. Laws are neither good nor bad per se. We can however address the issue of danger or potential harm.

People who have not studied hypnosis have many misconceptions about it. Hypnosis is a naturally occurring state of mind. People are not put into hypnosis; they allow themselves to go into hypnosis. A person in a hypnotic state, although suggestible, cannot be forced to do something that is against their will or moral beliefs. We each go into and out of hypnosis every day. A person in hypnosis does not present any harm to the community or themselves. On that basis, the law cannot be justified.

Any type of staged entertainment has some element of risk. Each year many entertainers are injured falling off the stage, tripping over cords and being hit by props. When you have audience participation, this risk is increased. We do not believe that this risk is significantly higher in a hypnosis show than in any other type of audience participation show. From a danger standpoint, we do not believe the law can be justified.

We do not have any information that tells us what prompted this Kansas law. In the few other jurisdictions that have such laws, we have generally found that such laws were created because a person did slip or trip while on stage and blamed hypnosis. We have also been told by our members, that the jurisdictions that have such laws, often ignore them. Each week, there are literally hundreds of hypnosis shows performed before thousands of audience members. We receive virtually no reports of problems from these shows.

We certainly understand the difficult position you are in. The law is what it is. The ABH does not believe the law is justified, but that does not change your responsibilities, or the existence of the statute.

Although this letter is not the response you were seeking, I hope we have shed some light on the subject.

Sincerely,

R.A. Neves, Ph.D.  
ABH President

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1/13/2004

# Florida Hypnosis Law

Over the last four years, twelve hypnotists/hypnotherapists in Florida have been served with cease and desist orders. Twelve may seem a small number considering the number of practitioners, but as President of the International Association of Counselors and Therapists, my attitude is that even one incident is too many.

Many people who practice hypnosis in Florida completed their training out-of-state. Their instructors probably didn't teach the Florida law because it didn't apply to that locality. Florida is unique because we have a law that specifically addresses therapeutic hypnosis.

In all other states you can neither diagnose nor practice medicine or mental health counseling without proper licensing. Florida has a law that makes this very clear. The law reads:

485.002 Legislative intent.

(1) It is recognized that hypnosis has attained a significant place as another technique in the treatment of human injury, disease, and illness, both mental and physical; that the utilization of hypnotic techniques for therapeutic purposes should be restricted to certain practitioners of the healing arts who are qualified by professional training to fulfill the necessary criteria required for diagnosis and treatment of human illness, disease, or injury within the scope of their own particular field of competence; or that such hypnotic techniques should be employed by qualified individuals who work under the direction, supervision, or prescription of such practitioners.

Hypnosis, practitioner of the healing arts, and qualified individuals are terms defined in the law:

(3) "Practitioner of the healing arts" shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathy, podiatric medicine, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

To read the complete law go to [www.floridalawonline.net](http://www.floridalawonline.net) and select the Statutes section.

This law has served as a protection for us to do therapeutic work here. It is our exemption to the psychology law FS 491. I recommend that you have an attorney-at-law inquire about any city or county laws regarding obtaining an occupational license. We do not have a state license, but you are required to have a business license.

Some local city/county laws require: 1) a referral letter from a medical practitioner or a mental health practitioner, or 2) you to present yourself before the board of commissioners, or 3) the signing of an affidavit pledging that you will not do stage hypnosis.


I am not an attorney-at-law. I cannot interpret, advise, nor counsel on legal issues. I am a certified hypnotherapist who has been complying to this law for the last 15 years. I do offer a 90-minute cassette tape on professional standards and two of the Florida laws. If you would like to contact me, call (239) 498-9710.

Jillian R. LaVelle is a certified stress management consultant and a clinical hypnotherapist and a member of IMDHA. She holds a BA in psychology from the University of South Florida, and is CEO of the International Association of Counselors and Therapists (IACT). In 1999 she was the recipient of the Outstanding Clinical Contribution award by the National Association of Transpersonal Hypnotherapists. In 2001 she was selected to receive the Counseling and Therapy Award of the Year by the International Hypnosis Federation.

January 13, 2004

To: Senator Janis Lee

Office No.: 402-S

From: William G. Wolff, Associate Director 

Re: Hypnotic Exhibitions

I am pleased to respond to your request for information regarding the Kansas statutory prohibition against hypnotic exhibitions for entertainment purposes.

In 1903, the Legislature enacted a law that made it a misdemeanor offense for any person "to induce or permit a child under the age of eighteen years of age to practice or assist or become a subject in giving public, open exhibitions, seances, or shows of hypnotism, mesmerism, animal magnetism, or so-called psychical forces." On conviction, the penalty was a fine of not less than \$10 nor more than \$100, or imprisonment in the county jail for not less than ten days nor more than three months, or both the fine and imprisonment. (Codified at R.S. 38-703.)

In 1965, the Legislature enacted a new law making it "unlawful to give for entertainment, any instruction, exhibition, demonstration, or performance in which hypnosis is used or attempted and it shall be unlawful to permit oneself to be so exhibited while in a state of hypnosis." Conviction of a violation of the statute, KSA 21-2471, *et seq.*, was a misdemeanor punishable by a fine of not more than \$100 or by imprisonment of not more than 30 days, or by both the fine and imprisonment.

The printed title of the legislation, HB 611, read in part: "An act relating to hypnosis as therein defined; to protect the public from the irresponsible use of hypnosis . . . ."

In 1969, KSA 21-2471, *et seq.*, was repealed, and a new statute enacted as a part of a massive revision of Chapter 21 — the Kansas Criminal Code. The new law, KSA 21-4007, kept the same definition of hypnosis and made "hypnotic exhibition" a class C misdemeanor. Hypnotic exhibition was defined nearly in the same terms as the previous statute, *i.e.*, giving for entertainment any instruction, exhibition, demonstration or performance in which hypnosis is used or attempted; or permitting oneself to be exhibited while in a state of hypnosis. In a 1978 amendment, the law was clarified by adding the words "for entertainment" to the prohibition of a person permitting themselves to be exhibited while in a state of hypnosis, and the meaning of a class C misdemeanor was spelled out — a fine of not to exceed \$50.

The 1969 law, as amended in 1978, remains the law in Kansas in 2004.

The State Library Reference staff did a search of other state statutes and could not identify another state with the same or similar prohibition as exists in Kansas against using hypnosis for entertainment purposes.



LES DONOVAN  
SENATOR, 27TH DISTRICT  
SEDGWICK COUNTY  
314 N. RAINBOW LAKE RD.  
WICHITA, KS 67235  
(316) 722-2923  
TOPEKA OFFICE  
(785) 296-7385  
WICHITA OFFICE  
(316) 942-1271  
E-MAIL: donovan@senate.state.ks.us



TOPEKA

ASSISTANT MAJORITY LEADER

COMMITTEE ASSIGNMENTS  
CHAIR: TRANSPORTATION  
MEMBER: JOINT COMMITTEE ON ARTS AND  
CULTURAL RESOURCES  
ASSESSMENT AND TAXATION  
CONFIRMATION OVERSIGHT  
INTERSTATE COOPERATION  
JUDICIARY

Good afternoon Mr. Chairman and Representatives:

Thank you for allowing me to testify in favor of SB 431. This legislation would allow the United States Test Laboratory in Wichita, one of only two such facilities in the world, to purchase certain types of weapons or ammunition to use in the testing of flak vests and other such law enforcement equipment.

This bill was heard in Senate Judiciary committee and passed out the same day without objection. It also passed the Senate 40-0.

At this point, I would stand for questions. If none, I would like to introduce Mr. Richard Mouser of the U. S. Test Lab. in Wichita.



7447 W. 33rd St. N. 316-832-1600  
Wichita, KS. 67205 Fax 316-832-1602

State of Kansas  
Judiciary Committee  
Topeka, KS

February 16, 2004

Dear Senators and Representatives,

I am Richard Mouser, owner of United States Test Laboratory (USTL) in Wichita. USTL is a ballistic test laboratory that conducts tests on bullet resistant products, handguns, firearm locks, etc. We perform ballistic tests for the manufacturers of armor, the United States Department of Defense and law enforcement agencies such as the United States Secret Service, Customs and Border Patrol, etc. We started in business in 1998 after I retired from the Wichita Police Department after 20 years of service. We are a growing business, starting with two employees and have grown to eight. In addition, we have just moved into a newly constructed building.

There are only two (2) laboratories in the world certified by the United States Department of Justice, National Institute of Justice to perform the type of testing we are certified to perform. The methodology for testing is conducted in a scientific manner with oversight by the United States government.

While most of our testing is performed with a firearm type device that is bolted to the floor, some testing requires the use of sub-machine guns that are carried by many law enforcement agencies. Unfortunately state law prohibits us from owning/purchasing such a firearm to conduct the tests. As a result, this testing all goes to the other certified laboratory. Some customers prefer to do all their testing at one lab so we not only loose the specialized testing, but potentially all of their other business as well.

I am asking for your support to change the state law so we can be more competitive in this market. While I am sure you do not want to change the entire law so everyone can purchase a fully automatic weapon, it would be easier to make a change for owners of a

laboratory certified by the National Institute of Justice. The laws that I would ask that you change are outlined below.

KSA Chapter 21-4201                      Criminal Use of Weapons

- (a) (6) "possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;"

**Comment:** Some factory made firearms (such as one owned by the Wichita Police Dept.), like the Heckler & Koch MP5SD is a suppressed 9mm sub machinegun. Most agencies always test their body armor against the types of firearms and ammunition that the agency issues. We cannot perform this test due to state law.

- (a) (7) "selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger, or"

**Comment:** Nearly all SWAT type teams across the country carry some type of fully automatic weapon. For the same reasons as noted above, we cannot perform this test.

- (a) (8) " possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic coated bullet that has a core of less than 60% by weight."

**Comment:** The whole reason for this section (8) is to eliminate the possession of the "cop killer" bullet since they allegedly penetrate body armor. Isn't it ironic that it is illegal for a certified laboratory to perform a test to see if the bullet will penetrate a vest. This hampers the body armor designers ability to test their designs against the potentially more lethal bullets.

I would suggest wording in the statute to permit employees of a test laboratory certified by the National Institute of Justice to possess the above in the performance of their employment.

Thank you for your time, I look forward to hearing your comments.

Best regards,



Richard Mouser  
President