

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on March 16, 2004 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Russell Mills, Legislative Research
Dennis Hodgins, Legislative Research
Theresa Kiernan, Revisor of Statutes' Office
John Beverlin, Committee Secretary

Conferees appearing before the committee:

Representative Deena Horst
Mark Desetti, Kansas National Education Association
Karole Bradford, Safe State Kansas, Inter-Faith Ministries
Sandy Barnett, Kansas Coalition Against Sexual and Domestic Violence
Kim Gulley, League of Kansas Municipalities
Wes Ashton, Overland Park Chamber of Commerce
Lt. Colonel R. Keith Faddis, Overland Park Police Department
Sally Zellers, Safe Streets Topeka/Shawnee County

Others attending:

See Attached List.

Chairperson Brungardt called the meeting to order. He asked the committee to take action on the approval of the minutes for February 18, February 19, February 24, March 3, and March 4.

Senator Teichman made a motion for the approval of the minutes. The motion was seconded by Senator Lyon. The motion to approve the minutes for February 18, February 19, February 24, March 3, and March 4, passed.

Chairperson Brungardt asked the committee to turn its attention to **HB 2732, Commemorative coin design concept act; election held only if more than one design approved by the U.S. mint**. He welcomed Representative Deena Horst to the podium.

Representative Horst provided an overview of the bill and spoke in favor of its passage (Attachment 1).

Chairperson Brungardt asked the committee for questions.

Senator Teichman observed that the designs would be submitted to the high school children who will determine the new design for the quarter.

Representative Horst stated Senator Teichman was correct.

Senator Teichman made a motion to recommend HB 2732 favorable for passage. The motion was seconded by Senator Barnett. The motion to recommend HB 2732 favorable for passage passed.

Chairperson Brungardt turned the committee's attention to opponents of **HB 2798, Personal and family protection act; licensing to carry concealed firearms**. He welcomed Mark Desetti to the podium.

Mr. Desetti presented testimony in opposition to **HB 2798** (Attachment 2).

Chairperson Brungardt thanked Mr. Desetti and welcomed Karole Bradford to the podium.

Ms. Bradford presented testimony prepared by Kelly W. Johnston in opposition to **HB 2798** (Attachment 3).

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 16, 2004 in Room 231-N of the Capitol.

Chairperson Brungardt thanked Ms. Bradford and welcomed Sandy Barnett to the podium.

Ms. Barnett presented testimony in opposition to **HB 2798** (Attachment 4). She also presented a chart for the committee members (Attachment 5).

Chairperson Brungardt thanked Ms. Barnett and welcomed Kim Gulley to the podium.

Ms. Gulley presented testimony in opposition to **HB 2798** (Attachment 6).

Chairperson Brungardt thanked Ms. Gulley and welcomed Wes Ashton to the podium.

Mr. Ashton presented testimony in opposition to **HB 2798** (Attachment 7).

Chairperson Brungardt thanked Mr. Ashton and welcomed Lt. Colonel R. Keith Faddis to the podium.

Lt. Colonel Faddis presented testimony in opposition to **HB 2798** (Attachment 8).

Chairperson Brungardt thanked Lt. Colonel Faddis and welcomed Sally Zellers to the podium.

Ms. Zellers presented testimony in opposition to **HB 2798** (Attachment 9).

Chairperson Brungardt thanked Ms. Zellers and called the committee's attention to written testimony from Mike Taylor of the Unified Government of Wyandotte County and Kansas City, Kansas (Attachment 10), Debra Kinnane, President of the Greater Wichita Pediatrics Society (Attachment 11), Janis McMillen of the Mainstream Coalition (Attachment 12), Ashley Sherard of the Lenexa Chamber of Commerce (Attachment 13), and Reverend Michael Poage of Kansas-Oklahoma Conference, Peace with Justice Task Force (Attachment 14).

Chairperson Brungardt asked the committee for questions.

Senator Gilstrap asked Ms. Bradford if she thought the mind set of Kansans had changed since 9/11 that would affect the survey she used in her testimony.

Ms. Bradford stated there was not a current survey. She stated it was possible that Kansans had more fear, but she did not believe their fundamental values had changed.

Senator Gilstrap asked what the proportion of the population would possibly apply to carry a concealed weapon.

Ms. Bradford stated that it is the belief that between one and four percent of the population would apply to carry a concealed weapon.

Senator Barnett asked Lt. Colonel Faddis about his opinion concerning taser guns.

Lt. Colonel Faddis explained taser guns were of limited use.

Senator Lyon asked Ms. Barnett if there were sexual assault victims who would feel safer carrying a concealed weapon.

Ms. Barnett stated that there may be some women that feel safer with concealed weapons.

Chairperson Brungardt thanked the conferees. He asked the committee to turn its attention to **SB 290, Revising the membership of the capitol area plaza authority**. He asked Theresa Kiernan to provide an overview of the bill. Chairperson Brungardt informed the committee that a part of the Attorney General's opinion on the bill was in front of them.

CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE at 10:30 a.m. on March 16, 2004 in Room 231-N of the Capitol.

Senator Clark pointed out that there was still a problem with what property is contained within the authority of the Capitol Area Plaza Authority.

Chairperson Brungardt decided no further action could be taken on **SB 290** until they solved the problem of what property is contained in the Authority's authority. He thanked the committee.

The meeting was adjourned at 11:45 a.m. The next meeting is scheduled for March 17, 2004 at 10:30 a.m. in room 231-N.

Senate Federal and State Affairs Committee

Date: March 16, 2004

Name:

Representing:

Sandy Barnett

KCSOU

Joyce Grover

KCSOU

Scott Hattump

self

Sally Zellers

Safe Streets

Karele Bradford

Inter-Faith Ministries

Kim Gulley

LKM

Laura Kelly

KRPA

Jenn Brin

Sec. of State Office

Anna Holcombe

Kansas National Organization for Women

Sam Sellers

Sen. Ehler

George Peterson

Kc Second Amendment Soc

Keith Wood

NRA

~~Scott Wood~~

HEW Unit

Glenn Thompson

Stand Up For US

KEITH FADDIS

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TOPEKA

HOUSE OF
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 EDUCATION
 LOCAL GOVERNMENT

TESTIMONY ON HB 2732

Thank you Chairman Brungardt and members of the Senate Federal and State Affairs Committee for hearing HB 2732 and giving your quick attention to this proposed legislation.

After much discussion by members of the Kansas Commemorative Coin Commission, it was determined a change in the law was necessary. HB 2732 simply removes the stipulation that students must be presented with five coin design concepts from which they select the coin design that will be ultimately submitted to the Mint by Governor Sebelius. It also addresses the possibility that there will be only one concept returned from the Mint which would make an election unnecessary. The legislation would be published in the Kansas Register because students are scheduled to vote in April, 2004.

Background Information:

Last year you worked on the Kansas Commemorative Coin Design Concept Act. It has worked quite well in the selection process; however, we have found that there is a potential conflict with current law and what may be possible when we look at the number of coin concepts from which high school students will have to select. The Coin Commission has officially withdrawn one originally submitted concept because we found that the Curry lithograph upon which it was based was not in the public domain. Unfortunately, the US Mint would not allow us to submit our alternate in its place. Consequently, we only have four concepts which the Mint is submitting to its required review committee process. To further complicate the process, we also have been told that not all of the concepts sent by other states have been considered acceptable to Mint's review committees. In preparation for an unknown number of Mint-accepted concepts, we are asking for the change found in HB 2732.

Thank you again for listening to the proposed changes that the Coin Commission has suggested be made to current law. I urge you to help us resolve this potential conflict with KSA 73-2501, 73-2502, and 73-2503.

Representative Deena Horst, 69th District

Senate Federal and State Affairs Com.

Date: MARCH 16, 2004

Attachment: # 1



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 SW 10TH AVENUE / TOPEKA, KANSAS 66612-1686

Mark Desetti, testimony
Senate Committee on Federal and State Affairs
March 16, 2004
House Bill 2798

Mr. Chairman, members of the committee, thank you for the opportunity to share testimony on House Bill 2798 with you today. My name is Mark Desetti and I represent the Kansas National Education Association.

KNEA as an organization has not taken a position on whether or not concealed firearms should be allowed in Kansas. We do however have a position on firearms and our students. We cannot allow any firearms to be carried near our teachers and the students they serve. To that end we believe this bill falls short of ensuring that school employees and students are protected.

In testimony in the House, we stood neutral on the bill but asked the Committee to make amendments that would ease our concerns. Those amendments were not adopted and because of this we stand in opposition to HB 2798 at this time. We simply cannot take a neutral position while our concerns are not being addressed.

I refer to new section 10 which prohibits carrying a concealed weapon into certain places. While it prohibits the carrying of firearms at school athletic events or into school facilities, we believe these two exceptions are too limiting. For example, in places where school bands and orchestras perform in community centers or performing arts centers, would firearms be allowed if not otherwise posted? These would be school activities but not athletic activities. Firearms must not be allowed near any school function or activity regardless of where that activity might be. Under this bill firearms are not prohibited in churches yet many of our young people attend youth meetings in church basements and social halls and, in the event of an accident or deliberate shooting, our schools will be called upon to provide counseling and support for the community's young people. How can we allow firearms where children congregate?

Senate Federal and State Affairs Com.

Date: *MARCH 16, 2004*

Attachment: # *2*

We would suggest amending new section 10 as follows:

New Sec. 10. (a) No license issued pursuant to this act shall authorize the licensee to carry a concealed weapon into:

- (1) Any place where an activity declared a common nuisance by K.S.A. 22-3901, and amendments thereto, is maintained;
 - (2) any police, sheriff or highway patrol station;
 - (3) any detention facility, prison or jail;
 - (4) any courthouse;
 - (5) any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in the judge's courtroom;
 - (6) any polling place;
 - (7) any meeting of the governing body of a county, city or other political or taxing subdivision of the state, or any committee or subcommittee thereof;
 - (8) on the state fairgrounds;
 - (9) The state capitol or any state office building;
 - (10) any school, community college, college, university or professional athletic event not related to firearms;
 - (11) any portion of an establishment licensed to dispense alcoholic liquor or cereal malt beverage for consumption on the premises, which portion of the establishment is primarily devoted to such purpose;
 - (12) any elementary or secondary school building or structure used for student instruction, attendance or extracurricular activities or for administration or maintenance;
 - (13) any community college, college or university facility;
 - (14) any place where the carrying of firearms is prohibited by federal or state law;
 - (15) any child exchange and visitation center provided for in K.S.A. 75-720, and amendments thereto; or
 - (16) any community mental health center organized pursuant to K.S.A. 19-4001 *et seq.*, and amendments thereto; mental health clinic organized pursuant to K.S.A. 65-211 *et seq.*, and amendments thereto; psychiatric hospital licensed under K.S.A. 75-3307b, and amendments thereto; or state psychiatric hospital, as follows: Larned state hospital, Osawatomie state hospital or Rainbow mental health facility;
 - (17) ~~in any city hall.~~ any city or county owned or leased property or facility including, but not limited to, city hall, public parks, recreational facilities, and public works buildings;**
 - (18) any licensed child care facility;**
 - (19) any church, synagogue, mosque or other religious facility; or**
 - (20) any school, community college, college, or university sponsored activity**
- (b) Violation of this section is a class B misdemeanor.

Our proposed amendment would change number 17 to match an amendment offered in the House by the Kansas League of Municipalities with the addition of the words "or county" and add numbers 18 through 19.

Subsection (b) of section 10 classifies carrying a weapon into a school or to a school athletic event as a class B misdemeanor. The penalty is a fine and up to six months in a county jail. Of course the penalty is a little stiffer if you happen to be drunk or on drugs – then you get up to a year in the county jail. Frankly, we believe the protection of our children is paramount and there is simply no excuse for carrying a gun near a school or a school event of any kind. Responsible adults should know this and be prepared. “I’m going to the basketball game; leave my gun at home.” We would recommend that a violation be at least a class A nonperson misdemeanor. This would provide for a possible jail term equal to the one-year expulsion a child would receive for bringing a gun or toy gun to school.

Zero tolerance policies have been promoted by policymakers for years. We read in the paper of children expelled for a year for carrying a toy gun or knife in a backpack or a few Tylenol. If little kids get a year for a toy, how do we explain that adults get six months for a firearm? When it comes to protecting our schools, we must have zero tolerance for firearms. Anything less is truly criminal.



Safe State *Kansas*

Safe State Kansas is a program affiliated with Inter-Faith Ministries

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Program Director

Karole Bradford

TESTIMONY BEFORE THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE, SENATOR PETE BRUNGARDT, CHAIRMAN

ANALYSIS OF HOUSE BILL 2798

March 16, 2004

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Prepared by Kelly W. Johnston
for Safe State Kansas/Inter-Faith Ministries

This is an analysis of the most controversial features of the proposal to legalize the carrying of concealed weapons (CCW) in Kansas. At the outset, please understand that Safe State Kansas is totally opposed to the concept of legally carrying concealed weapons - except by commissioned law enforcement officers.

Community Liaisons

Trevor Foreman
Newton

Eleanor Harris
Leawood

Kerry Johnston
Andover

Rod Nitz
Salina

Steve Robinson
Lawrence

Tom & Susan Maloney
Towanda

Carolyn Weinhold
Topeka

1. **KANSANS DO NOT NEED CCW:** Proponents of this bill have failed to demonstrate that there is a pervasive and overwhelming problem with our way of life in Kansas that calls out for this kind of legislative reaction. Crime rates are not rampant; indeed, we have enjoyed plummeting crime rates in Kansas since 1993. Like Missouri, until last week, it has been illegal to carry concealed weapons in Kansas throughout recent history, yet our crime rates have dropped substantially over the past decade. As a matter of fact, crime rates have dropped significantly since Governor Graves in 1997 vetoed the last concealed carry bill to pass the legislature. According to The Hutchinson News, the state's crime index – total offenses per 1,000 population – stood at 51.6 in 1997. The violent-crime index in 1997 was at 4.3, and Kansas recorded 150 murders. By 2001, the crime index had dropped to 40.8, the violent crime index had dropped to 3.8, and Kansas reported 142 murders. (The Hutchinson News, Online Edition, Wednesday, October 1, 2003). Today, violent crime continues to occur, but at very low historical rates.

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John Bell

Rev. Max Clayton

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Connie Gamm

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Margalee Wright

2. **KANSANS DO NOT WANT CCW:** Proponents of this bill have not demonstrated that a majority of Kansans desire passage of a concealed carry law. I am unaware of any non-partisan state-wide polling on this issue since 1997, but a K-State study at that time proved that 68% of Kansans did not want concealed carry. Of those polled, only 45% described themselves as living in a city, so this overwhelming public sentiment against CCW cannot be explained as a rural versus urban difference of opinion. More recently, a poll conducted by the *Kansas City Star* on February 10-14, 1999 concluded that 60% of those polled expressed opposition to legalizing the carrying of concealed weapons (the *Kansas City Star*, Sunday, March 7, 1999).

Senate Federal and State Affairs Com.

Date: **MARCH 16, 2004**

Promoting safe communities through gun violence Attachment: # 3

During floor debate in the House on March 3, 2004, Rep. Roger Reitz from Manhattan told his colleagues that polling of his constituency resulted in a 251 – 3 expression of opinion against legalizing concealed weapons. What evidence have the proponents of this bill released which demonstrates that the attitudes of Kansans have changed?

3. **MAY VS. SHALL ISSUE:** The bill proposes to give to the KBI the duty of issuing licenses, conducting background checks, overseeing training courses, and generally trying to make sure that unsafe and dangerous people don't acquire CCW licenses. A definite public safety responsibility is being placed on the KBI. But this bill does not give to the KBI the authority and discretion to withhold issuance of a license to a person who is considered dangerous, like another Tim McVeigh, but who still meets the eligibility requirements. Though New Section 5(c)(2) permits a sheriff to send the KBI a letter about an applicant who is "a significantly greater threat . . . than the average citizen", this threat must be based on "readily discoverable information, **corroborated through public records**" [lines 14-15]. Obviously, this does not include reliable information from a confidential informant. Though Kansas is only one of 4 states (Kansas, Nebraska, Illinois and Wisconsin) that does not permit CCW, there are 9 other states that allow their licensing authority to refuse to issue a permit in the interest of public safety. Why do the proponents of this bill distrust the KBI to use proper discretion to safely issue CCW permits?

4. **RECIPROCITY:** If this bill becomes law, our borders will automatically and immediately be opened to licensees from all across the country to bring their hidden firearms to Kansas. These licensees would not be required to register with the KBI, and the KBI would not be allowed to verify the permit. How would be handled CCW carriers from Vermont where licenses are not issued? How are these strangers going to know where in Kansas it is illegal to CCW? From a public safety standpoint, it doesn't make sense to require Kansans to go through the KBI to acquire a CCW license, but not a licensee from New Jersey. Iowa, New Mexico, Nevada, New York and California are just a few of the states that see the wisdom of not allowing reciprocity.

5. **BACKGROUND CHECKS:** Although there are a number of categories of people who will be disqualified from acquiring a CCW license because of the background checks, it is a myth that only stable, law-abiding citizens will pass these eligibility tests. It is a myth because the ability to successfully discover an ineligible applicant depends on the comprehensiveness of the record-keeping and record-retrieval systems. How, for example, can the KBI comprehensively rule out every applicant to not be an alcoholic? [New Section 4(a)(5)(B)] It will be equally difficult to reliably double-check for mental illness or drug abuse. A case in point is Tim McVeigh. Even though he was planning domestic terrorism while living in Kansas, buying weapons and fertilizer to make explosives, and stockpiling his wares, he nevertheless was a concealed weapons licensee from the state of New York. If a domestic terrorist can acquire a CCW license, then it is a foregone conclusion that background checks provide very little assurance that unstable, criminally-minded persons are going to be weeded out by the HB 2798 background checks. When you also consider that the KBI will be mandated to issue a

license within 90 days, even if their background-checking is incomplete, the risk should be obvious that unqualified perhaps dangerous people are going to be unintentionally issued licenses.

6. FISCAL IMPACT: Budget Director Duane A. Goossen published a fiscal note on 23 February 2004 that confirmed that \$440,000 in start-up funds were going to be needed by the Kansas Bureau of Investigation in order to begin shouldering their new duties, if this bill passes. There is no funding mechanism in HB 2798 to provide those funds. This fiscal note was not published when the House Federal & State Affairs Committee passed this bill 13 – 7. The Kansas House should not have passed this bill without a proper funding mechanism. After all, the Kansas Bureau of Investigation is going to be ordered to conduct timely, accurate and comprehensive background checks, and significant potential will exist for critical mistakes being made if the KBI is not properly equipped and staffed. As we have seen recently in the case of the Carr brothers murders in Sedgwick County, tragic consequences can result from innocent clerical mistakes being made by state employees. In these difficult days of finding funds to adequately finance the operation of state government, just where are these necessary funds going to be diverted from? What needy constituency or community is going to be denied adequate funding? Funding of HB 2798 is not as high a priority as adequate funding for education.

7. SHERIFF REPORTS OF DANGEROUS APPLICANTS: New Section 5(c)(2) allows a sheriff to tell the KBI when forwarding a CCW license application that the applicant poses "a significantly greater threat to law enforcement or the public at large than the average citizen." Sheriffs should indeed be encouraged to make these reports, but this bill does not tell the KBI what to do with such a report, if the applicant otherwise meets the eligibility requirements of the law. New Section 5(e)(2) gives the KBI authority to deny a permit based upon a sheriff report only for "good cause shown" in Subsection (c)(2). A sheriff cannot properly base an objection on information from a confidential informant, for example, because such a report must be based upon "readily discoverable information, corroborated through public records". Someone like a member of the Ku Klux Klan who does not have a criminal record, who is buying explosives on the black market, might still acquire a CCW license because HB 2798 does not give to the KBI the discretion to deny a permit in the interest of public safety.

8. NO GUN ZONES: It is important to realize how New Sections 10 and 11 are structured. New Section 10 describes a list of 15 places where it shall be illegal - and punishable by criminal prosecution - for a CCW licensee to carry. Subsection (b) makes such a violation a Class B misdemeanor - which is up to 6 months in jail. New Section 11(a) also permits employers to establish rules that prevent carrying concealed weapons into the workplace, and New Section 11(b) permits businesses to prohibit CCW on their premises by posting a "No Guns Allowed" sign. This bill strangely does not impose criminal liability on a CCW licensee who ignores these rules or signs. The proponents of this bill obviously don't think it is important to give teeth to enforcing New Section 11.

New Section 10 curiously prohibits CCW inside the Capitol, but permits CCW inside banks, casinos, hospitals and churches. These omissions are difficult to understand. It is also going to be repugnant for a place of religious worship to have to post on their doors a prominent and conspicuous "No Guns Allowed" sign.

K.S.A. 21-4201 defines under the Kansas Criminal Code what actions constitute "Criminal Use of Weapons". The lightest penalty under current law for carrying a concealed weapon is a Class A misdemeanor - which carries a maximum penalty of one year in jail. Yet this bill proposes to make it only a Class B misdemeanor to carry a licensed weapon, for example, into a jail, police station, a courtroom or an elementary school? What about repeat offenders? Shouldn't greater penalties follow repeated offenses?

9. CARRYING CONCEALED WEAPONS WHILE INTOXICATED: New Section 12 makes it a Class A misdemeanor for a licensee to carry a concealed weapon while under the influence of alcohol or drugs, or both. Obviously, this kind of behavior should be illegal. But what about a two-time offender? Shouldn't repeat offenders be subject to greater penalties? Under our DUI laws, a third conviction becomes a felony [K.S.A. 8-1567(f)]. And shouldn't a conviction automatically result in license forfeiture? CCW licensees who continue to carry their weapons while inebriated should be treated sternly. Automobiles driven by impaired drivers often become killing machines, and no less would happen with firearms. Moreover, law enforcement officers are going to be at increased risk during car stops if this bill passes, and even more so if the driver is a CCW licensee who is impaired. Someone convicted once of DUI would still be allowed under New Section 4 to acquire a CCW license, so it seems reasonable to permanently revoke a CCW license if the licensee even once violates New Section 12. Finally, CCW licensees should not be permitted to carry their weapon into any establishment where alcohol may be served. New Section 10 (a)(11) generally prohibits carrying a concealed weapon into an establishment licensed to dispense alcohol, but only in that portion of the establishment that is "primarily devoted to such purpose". This means that a CCW licensee would be able to carry his weapon into a restaurant that serves alcohol, as long as he did not cross some imaginary line into the bar area. Maintaining meaningful distinctions in such an establishment is going to be impossible. The boundary should be the front door of any establishment serving alcohol.

10. CRIMINAL ACTIVITY BY CCW LICENSEES: New Section 16 requires the KBI to publish annually a report regarding the number of licenses issued, revoked, suspended or denied. SSK submits that the same report should advise of the CCW licensees who have been arrested for any criminal offense. Arrests should be targeted for this reporting instead of convictions because sometimes several years can go by before a prosecution can be completed. If this bill passes, we predict that there will be future attempts to change the terms under which licensure will be offered, and the legislature should then know what has been the Kansas experience with crime being committed or even aided with the use of a CCW license.

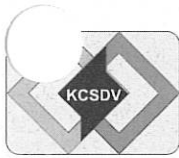
11. LOSS OF HOME RULE FOR CITIES AND COUNTIES: New Section 17 will preempt and override the ordinances of all Kansas cities and counties which currently prohibit CCW. The Kansas Constitution provides the foundation for cities and counties to exercise Home Rule, but the proponents of this bill believe that these governing bodies should have no discretion to legislate as it relates to firearms inside their boundaries. Even during the bygone days of the Wild West, cities possessed the right to decide whether carrying concealed weapons inside their city limits should be tolerated. Many such cities banned those weapons. Why now should we deprive cities of the right to decide for themselves whether CCW should be legal?

12. NRA TRAINING COURSE: New Section 4(b)(1) requires the KBI to oversee the adequacy of the training courses that CCW licensees will have to meet. Yet in subsection (D)(ii) the KBI is mandated to accept as adequate and legitimate "a weapons course certified or sponsored by" the NRA. This bill requires the KBI to ensure that CCW licensees are being properly and legitimately trained, but then allows the KBI to ignore the specifics of a training session an applicant will claim to have completed that was "sponsored" by the NRA. Whatever training course standards the KBI might find adequate and appropriate the NRA courses should also be required to meet. The two uses of the word "or" in lines 38 and 39, page 3, give rise to this inconsistency.

13. REPORTING OF CCW LICENSE HOLDERS: SSK agrees that all law enforcement agencies nation-wide should be able to determine if Kansas has issued a CCW license. It is troublesome that no where in this bill is there found a policy statement confirming that this list will constitute a public record that can be discovered by a Kansas Open Records request. It is troublesome that New Section 6 is silent as to the list of licensees being available to non-law enforcement groups like employers and other government agencies who might wish to conduct pre-employment investigations. The list of CCW licensees should not be a state secret.

14. CONSTITUTIONALITY: Buried in the text of this bill on page 10, proponents are trying to change the constitutional law of this state by providing that this "act is supplemental and additional to existing constitutional rights to bear arms and nothing in this act shall impair or diminish such rights." It has been the law of Kansas since 1975 that the Kansas Constitution does not guarantee a right of citizens to keep and bear arms. See *City of Junction City v. Lee*, 216 Kan. 495, 532 P.2d 1292. What is the point of New Section 17(c) if it is not a backdoor attempt to change the constitutional law of this state? If this law is passed, obviously there would be no impact on the debate of whether the 2nd Amendment to the U.S. Constitution guarantees such a right. State law would not have priority over federal law which has consistently recognized that the 2nd Amendment does not guarantee such a right. So the proponents must be trying to legislatively overrule *City of Junction City v. Lee*.

Thank you for this opportunity to advise the Senate regarding this legislation.



UNITED AGAINST VIOLENCE

TESTIMONY - SANDY BARRETT
KANSAS COALITION AGAINST SEXUAL AND DOMESTIC VIOLENCE

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HB 2798
Senate Federal and State Affairs Committee
March 16, 2004
Opponent

KCSDV is a private non-profit organization representing victims of domestic and sexual violence and the thirty advocacy programs in Kansas that serve victims of these crimes. The U.S. Department of Health and Human Services and the Centers for Disease Control have designated KCSDV as the recognized coalition in Kansas.

KCSDV has struggled a great deal in coming to our position to oppose HB 2798 because as you heard yesterday, victims of sexual assault, as well as other crimes, report that they would sometimes feel safer if they were able to carry a concealed gun. Some may be safer, but there is no research that I was able to locate that indicated gun carriers were actually able to thwart an attack. There is evidence that women are at three times greater risk of being killed when guns are in the home than when guns are not as easily accessible.

Sexual assault and domestic violence are crimes most often perpetrated against women and children.

- It is estimated from general population prevalence studies that 1 in 3 females and 1 in 7 males will be sexually assaulted at some point in their lives
U.S. Department of Justice. (2000). Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey. No Author.
- General population prevalence studies indicate that one in five US women has been physically assaulted by an intimate partner
U.S. Department of Justice. (2000). Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey. No Author.
- 22,434 incidents of domestic violence were reported to Kansas law enforcement agencies in 2002. Of those, 239 involved a gun of some sort
Kansas Bureau of Investigation, (2002). A Report on Domestic Violence and Rape Statistics in Kansas.
- Domestic violence programs provided services to 21, 250 women, children and men during 2001
KCSDV, (2003). Domestic Violence and Sexual Assault Advocacy Services in Kansas.
- 1,157 rapes were reported to Kansas law enforcement agencies during 2002. Of those, 550 were perpetrated against children.
Kansas Bureau of Investigation, (2002). A Report on Domestic Violence and Rape Statistics in Kansas.

- In 2001, sexual assault advocacy programs worked with 4,794 women, children, and men who were victims of sexual assault
KCSDV, (2003). Domestic Violence and Sexual Assault Advocacy Services in Kansas.
- There were 22 domestic violence murders and 17 attempted domestic violence murders in Kansas during 2002.
Kansas Bureau of Investigation, (2002). A Report on Domestic Violence and Rape Statistics in Kansas.

Would women in Kansas be safer from sexual assault if they were able to carry a concealed weapon?

Perpetrators of sexual assault typically rely on coercion when the victim is known to them and the element of surprise when the victim is a stranger. Strangers perpetrated only 11.2% of all rapes reported in Kansas. In either case, a concealed weapon would be unlikely to prevent the assault. A perpetrator who is using an element of surprise is probably already in physical contact with a victim by the time a perpetrator has made apparent his intentions of attack; leaving a victim unable to retrieve the concealed gun. KCSDV has serious concerns about concealed guns that perpetrators take away from victims. FBI studies find that 15% of officers killed in the line of duty by handguns are killed by their own service weapons. This suggests to me that even seasoned and trained officers are at risk of losing their weapons to perpetrators.

The majority of sexual assaults occur in the home and are perpetrated by someone known to the victim. In fact, of the rapes reported to law enforcement in 2002, 75% were committed in a home. Although all these may not be perpetrated in the home of the victim, it is easily anticipated that most are. While sexual assault perpetrated by someone known to the victim such as a relative, spouse, ex spouse, or boyfriend is indeed traumatic, sometimes with life long emotional scars, it is not usually physically assaultive. These perpetrators use coercion or threats to gain a certain amount of trust and compliance. Many of these victims are children and would not have legal access to a gun of any nature. The remainder is unlikely to use a weapon against their assailant.

Would victims of domestic violence be safer if they were able to carry a concealed gun?

Domestic violence is a volatile crime, which resulted in more than 39 murders or attempted murders during 2002. Although many weapons other than guns were used during the commission of domestic violence crimes, none are as instantly lethal as guns. If it becomes legal in Kansas to carry a concealed gun, it is unknown how many people will carry a gun who currently do not own a gun. But, it appears generally accepted that the number of guns in homes will increase. The more accessible guns are during domestic violence incidents, the more serious injuries or deaths will occur of both perpetrators and victims. According to the Violence Policy Center, the most conservative estimates suggest that women are three times more likely to be killed if

there is a gun in the home. One study shows that domestic violence assaults involving a gun were twelve times more likely to result in death than assaults that do not involve a gun.

This section does not even begin to address the issues for victims of domestic violence relative to the additional threats and tools of control a batterer will have when able to legally carry a concealed weapon almost anywhere he goes with his victim.

Additionally, it makes intuitive sense that the number of accidental injuries and deaths will increase as more guns are available in homes.

Will victims be held criminally liable for shooting injuries or deaths of perpetrators?

The answer to this question is largely unknown. My experience in working with women who have killed their batterers is that the law around self-defense and using excessive force is complex and women who kill their batterers are indeed serving time in Kansas prisons. We must seriously consider that of the rapes reported by law enforcement in Kansas during 2002, only 5 reported a gun was used. If the experience of women who are battered is any indicator, women who carry guns to thwart an attack were to injure or kill a perpetrator who is unarmed, they will most likely be held criminally liable.

On balance, it does not appear that women in Kansas will be safer from sexual assault or domestic violence if they carry a concealed gun.

**Appendix One: Number of Females Murdered by Males in Single
Victim/Single Offender Homicides and Rates by State, 2001**

State Ranking by Rate	State	Number of Homicide Victims	Homicide Rate per 100,000
2	Alabama	71	3.11
6	Alaska	7	2.37
8	Arizona	54	2.19
7	Arkansas	30	2.26
22	California	238	1.42
30	Colorado	24	1.15
36	Connecticut	16	0.94
18	Delaware	6	1.53
	Florida	NA	NA
9	Georgia	87	2.14
15	Hawaii	10	1.69
23	Idaho	9	1.41
39	Illinois	51	0.82
24	Indiana	41	1.34
44	Iowa	9	0.61
20	Kansas	20	1.48
46	Kentucky	11	0.54
4	Louisiana	55	2.42
43	Maine	4	0.62
19	Maryland	41	1.53
48	Massachusetts	14	0.44
27	Michigan	63	1.24
37	Minnesota	21	0.86
33	Mississippi	15	1.04
14	Missouri	49	1.73
47	Montana	2	0.45

Senate Federal and State Affairs Com.

Date: MARCH 16, 2009

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**Appendix One: Number of Females Murdered by Males in Single
Victim/Single Offender Homicides and Rates by State, 2001**

State Ranking by Rate	State	Number of Homicide Victims	Homicide Rate per 100,000
45	Nebraska	5	0.59
3	Nevada	27	2.93
40	New Hampshire	5	0.81
34	New Jersey	42	0.99
21	New Mexico	13	1.46
29	New York	112	1.18
17	North Carolina	65	1.63
49	North Dakota	1	0.32
35	Ohio	55	0.95
10	Oklahoma	34	1.97
31	Oregon	19	1.13
28	Pennsylvania	74	1.19
41	Rhode Island	4	0.77
1	South Carolina	64	3.15
26	South Dakota	5	1.34
5	Tennessee	69	2.41
13	Texas	183	1.77
16	Utah	18	1.66
42	Vermont	2	0.66
11	Virginia	66	1.85
25	Washington	39	1.34
12	West Virginia	17	1.82
32	Wisconsin	30	1.12
38	Wyoming	2	0.84
	U.S. Total	1,899	1.35



League of Kansas Municipalities

To: Senate Federal and State Affairs Committee
From: Kim Gulley, Director of Policy Development & Communications
Date: March 15, 2004
Re: Opposition to HB 2798

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities and our 556 member cities. At the outset, it is important to note that the League does not have a position on whether the state should regulate firearms or whether the state should authorize and license the concealed carry of weapons. The League and our member cities, however, do take a strong position in favor of Constitutional Home Rule and local control. The 2004 *Statement of Municipal Policy* reads as follows: "We oppose any legislation which preempts local regulation of firearms."

Kansas has a strong history of local firearms regulation, including the local regulation of concealed weapons. Both the State of Kansas and its cities have regulated the concealed carry of weapons since the 1860s. I have attached to this testimony an ordinance adopted by the City of Lawrence in 1863 which prohibited discharge of firearms in the city limits (section 9) and the concealed carry of weapons (section 10). The City of Lawrence is not unique in this regard; many cities in Kansas have been regulating firearms by local ordinance for at least the last 141 years.

The Kansas Supreme Court has long recognized the power of cities to regulate firearms. As early as 1887, the Court recognized the right of cities to regulate the discharge of firearms pursuant to their general police powers. See, *City of Cottonwood Falls v. Smith*, 36 Kan. 401 (1887). In 1975, the Court dealt more directly with the issue of concealed carry in the *City of Junction City v. Lee*, 216 Kan. 495 (1975). In this case, the Kansas Supreme Court opined that neither the federal Constitution nor the state constitution grants a right to individuals to carry a weapon concealed on their person. In addition, the Court stated that "[w]eapons control is an area of cities' concern" and upheld a local ordinance which was more restrictive than state law. The Court in *Junction City v. Lee* recognized that one-size-does-not-fit-all in this case and upheld the Kansas tradition of local control regarding firearms by noting, "The governing bodies of some cities may conclude they are sufficiently protected by the state statutes on weapons control, but that is their business." *Junction City v. Lee*, 216 Kan. 495, 501-502 (1975).

It is in this historical context of local control that the League offers the following key objections to HB 2798 in its current form:

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- **Preemption of Local Ordinances.** On Page 10, New Section 17 of the bill, all current and future city ordinances regarding the concealed carry of weapons are declared to be invalid. This type of complete preemption flies in the face of Kansas history regarding local control of firearms regulation. The League strongly objects to this preemption and respectfully requests that should the legislature go forward with this legislation, the preemption of local ordinances be removed.
- **Municipal Buildings and Property.** K.S.A. 21-4218 grants the State the ability to prohibit concealed weapons in "any state-owned or leased building," including but not limited to the State Capitol, the Governor's residence, and all state office buildings. Local governments in Kansas should be afforded the same ability to protect public property that the State currently enjoys. Community centers, public parks, local swimming pools, public works buildings, and the like should be afforded the same protections as State-owned properties.

To that end, we respectfully request that the following language be added to New Section 10 of the bill:

"any city owned or leased property or facility including, but not limited to, city hall, public parks, recreational facilities, and public works buildings."

In conclusion, the League of Kansas Municipalities must oppose HB 2798 in its current form. Should you decide to go forward with this legislation, we ask that the Kansas Legislature respect the tradition of local control and Constitutional Home Rule in this state and remove the preemption language from HB 2798. In addition, we request that sensitive areas where city officials work, and our children play, be protected by the amendment that we are offering regarding municipal buildings and property.

Again, thank you for the opportunity to offer our comments and concerns regarding this very important piece of legislation. I would be happy to stand for questions at the appropriate time.



TO: Senator Pete Brungardt, Chair
Members, Federal and State Affairs Committee

FROM: Wes Ashton, Director of Government Relations
Overland Park Chamber of Commerce

DATE: March 16, 2004

RE: **HB 2798- Personal and Family Protection Act.**

The Overland Park Chamber of Commerce would like to express its opposition to the concepts embodied in HB 2798, which would allow the citizens of Kansas to carry concealed weapons. The Chamber believes that this is crucial legislation that could have a severe impact on the citizens and businesses of Kansas. The Overland Park Chamber of Commerce has listed this as a standing priority for the 2004 Legislative session, and encourages this committee to avoid passage of HB 2798 for the benefit of all Kansans.

HB 2798 mentions in section 11 that business owners may place a sign in their business forbidding the carrying of concealed weapons. However, as currently written, there does not appear to be any means of enforcement. The Chamber encourages this section to be amended to avoid greater harm before this bill advances farther. An amendment is needed to protect businesses by adding in some enforcement mechanism. However, even with this amendment, the Chamber would still oppose HB 2798.

Concealed carry is an issue that has been debated in the legislature for many years, and will likely continue. This bill may bring significant harm to the people and businesses of Kansas, by increasing the likelihood of violence and crime. The logic of more guns equating to less crime does not seem to fit the rationale for a safe society. The Chamber recognizes the need for personal protection, but there are many other means available than to have every citizen carrying a gun in their purse or pocket.

For all the foregoing reasons, the Overland Park Chamber of Commerce strongly opposes HB 2798 for passage. Thank you for your time and attention to this issue.

For any further information, please contact the Chamber at 913-491-3600 or washon@opks.org.

Senate Federal and State Affairs Com.

Date: *MARCH 16, 2004*

Attachment: # *7*



The City of
**Overland
Park**
KANSAS

TESTIMONY - LT. COLONEL R. KEITH FLEDDIS

8500 Santa Fe Drive
Overland Park, Kansas 66212
• Fax:
www.opkansas.org

Mr. Pete Brungardt
Senate Committee on Federal
And State Affairs

March 16, 2004

Thank you for allowing me to appear before your committee. I am appearing on behalf of the City of Overland Park in opposition to House Bill 2798. For many years, the debate about carrying concealed weapons has been ongoing. The Overland Park Police Department prominently displays the words "to protect and serve" throughout the department. This phrase applies to the citizens, but it also applies to the officers under my command. A tremendous amount of the debate has centered on how allowing concealed carry affects the crime rate. I would like to provide you with some information for your consideration on other areas of concern:

- Safety
- Training
- Costs
- Practicality

Safety

Every year the FBI compiles statistics related to all crime, and they also prepare reports on specific crimes. The *Law Enforcement Officers Killed and Assaulted* report is of particular interest to those of us in law enforcement. The last published report in 2002 has some significant statistics I would like to point out. In 2002,

- 56 officers were killed in the United States
- 51 were killed with firearms (rifles, shotguns)
- Of those 51, 38 were killed with handguns

A review of the years 1993 to 2002 revealed significant facts:

- 636 officers were killed, not including the 72 who died at the World Trade Center
- 591 were killed with firearms.
- 443 were killed with handguns
- 136 were killed with their own weapons

The FBI also compiled statistics on the individuals who were arrested for killing those officers. During the same time period, 1993 to 2002:

- 785 known assailants were arrested
- 528 (67%) of those arrested had a prior criminal arrest
- 373 (47%) of those arrested had a prior criminal conviction

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Using the standard of conviction for the basis of denying a license, 412 (52%) individuals who were arrested for killing a police officer would have been able to obtain a concealed carry license in this state if this legislation were passed.

The proposed legislation places limited restrictions on carrying a weapon in an establishment that serves alcohol. The restriction states that one cannot carry in the portion of the establishment that predominantly serves alcohol. If I read that correctly, one would be prohibited from carrying a concealed weapon in the bar area but could be armed in the dining section of the restaurant. Most restaurants that are licensed as a drinking establishment allow you to order and consume alcoholic beverages at the table that is not in the bar area.

The policies of the Overland Park Police Department prohibit officers from consuming intoxicating beverages while carrying a firearm.

Costs

There would be costs associated with this legislation that would not be covered by the fees. It is anticipated that courts and other municipal facilities would find it necessary to install metal detection equipment. Walk through metal detectors can cost \$5,500 each and handheld units \$230 each. The greatest cost would be in personnel to staff those locations that utilize metal detectors. Two officers, at a cost of \$36,000 each, would be needed at each location where a metal detector is installed.

The legislation calls for the concealed carry license to be associated with the Kansas driver's license or Kansas ID card system. What type of costs would be incurred by the KBI to maintain this portion of the system? It would be extremely important that it be current and accurate. Every law enforcement officer in the state who has ever checked a vehicle license through KDOR is familiar with the response "not on file" or "work in progress, possible errors." There would be a need to constantly check to make sure those who have a concealed carry license have not been convicted of a crime that would require revocation of the license.

Training

Every officer who is hired by the Overland Park Police Department starts their career by receiving training both at the Department and the Johnson County Regional Academy that totals 560 hours. That training includes 40 hours of pre-academy firearms, 40 hours of academy and 40 hours of post academy advanced firearms training. This includes 16 hours in the classroom, 16 hours on the Firearms Training Simulator (FATS), and the remainder of the time is spent on the range. The amount of time spent on the FATS machine is extremely important as this gives the officers the skills necessary to know not just how to shoot but when to shoot and when not to shoot. In addition to the pre-academy training, each officer receives annual training on marksmanship and the FATS machine. Every officer must also qualify with any weapon that is carried in an off-duty capacity. The 40 hours of defensive tactics includes training on weapon retention. *Even with this training, 136 officers nationwide were killed when their own gun was used against them.*

I would not expect the average citizen to obtain the same training received by a certified law enforcement officer. But when an officer who has been trained in the use of a firearm, defensive tactics, and knowingly goes into dangerous situations can be disarmed and killed, what level of training should be expected for the average citizen? To be able to identify a threat, determine a

course of action, and take action requires a tremendous amount of training. In addition to the training it is necessary to have the mindset that you may need to defend yourself without warning.

Practical application

The legislation provides a list of locations, meetings, and institutions where carrying a concealed weapon would be prohibited. It also allows business owners and businesses to prohibit the carrying of concealed weapons on the premises. A bank in Overland Park already has posted signs at the entrance stating that firearms are prohibited. It is likely that a large number of businesses would post such signs. If that were the case, a person who was licensed to carry concealed could leave their residence, drive to the store, and find that weapons were prohibited. They would then have three options. Do not go into the store at all, go into the store anyway in violation of the prohibition, or leave their weapon in their vehicle. Last year in Overland Park there were 768 auto burglaries, over 250 occurred in commercial parking lots.

The legislation also allows for reciprocal agreements with other states that allow concealed carry. How would a Kansas law enforcement officer be able to verify the validity of the out-of-state license? An out-of-state individual could be carrying a concealed weapon with a license that appears to be valid, but how would the officer on the street know? Is there a national electronic database? Would the officer assume the out-of-state license is valid or would the officer charge the individual, take them into custody, make them post bond, or let them go until they find out if the license is valid? It is not uncommon for a person whose driver's license has been suspended to still be in possession of the actual license. The law in Florida states that the status of a concealed carry license must be available through the Florida Crime Information Center. To the best of my knowledge, Kansas law enforcement officers do not have access that database.

The bill states that a person who is licensed to carry a concealed weapon must carry the license with them and produce it upon demand by a law enforcement officer. That means the officer must be within close proximity to the person. Of the 51 law enforcement officers killed in 2002, 25 were within 5 feet of the assailant.

If you believe that HB 2798 would make Kansas safer for its citizens, I would ask that you consider those who have sworn "to serve and protect" all of the citizens of the State. This bill would not automatically make Kansas safer. It will make the duties of a law enforcement officer more difficult and more dangerous.

The City of Overland Park requests that you not support HB 2798 favorably for passage.

Thank you for your consideration.

*Lt. Colonel R. Keith Faddis
Overland Park Police Department*



2209 SW 29th Street

Topeka, Kansas 66611-1908

Phone: 785-266-4606

Fax: 785-266-3833

March 16, 2004

Good morning Mr. Chairman and members of the Committee.

I'm Sally Zellers, Director of Strategic Partnerships, Safe Streets Topeka/Shawnee County. Thank you for the opportunity to speak to you today. I'm here to speak in opposition of House Bill 2798. I'm speaking in opposition of this bill for two main reasons which I'd like to share with all of you

I have brought with me gun related stories from the Topeka Capital Journal for 2003. There are 170 clippings related to firearms. I'm sure this wasn't all of the gun related stories for 2003, but rather the ones that I observed and saved. They contain stories on bank robberies, homicides, theft, suicide and drugs to name a few. I'm surprised in a town as small as Topeka that firearm stories are this common place in our local media. With stories of increased work place violence, domestic violence issues and Kansas being in the top five of methamphetamine producing states, I'm not sure that increasing the number of guns being carried is the answer.

When gun violence became an issue in Detroit Michigan, they began a program called Gun Safe: Detroit. They researched data that showed 90% of gun deaths are unrelated to crime. In fact research shows that in urban areas, a gun in the home is over forty times more likely to kill a family member or friend than to be used in self defense. Over 50% of all gun deaths reported in the U.S. are suicides involving adolescents and young adults ages 15-34. Firearm violence has been declared a public health emergency according to the American Academy of Pediatrics. In 1995 a child died of firearm-related injury every 1 1/2 hours. Every two days, the lives of a whole classroom of children were lost. Less than 1% of weapons each day are actually used for self-protection in a home invasion. Having the weapon handy "just in case" means that, when a gun is not being used in self-defense 90% of the time, it is still present in the environment. In 1990 injuries from firearms cost more than 20.4 billion dollars in direct hospital costs, medical care, and in indirect costs for long-term disability and premature death. At least 80% of the costs of treating these injuries are paid with taxpayer dollars.

Can we afford the cost if more people are injured? Many of our young people have absorbed what the media has shown and taught them about guns and have come to accept or even glamorize firearm use.



Safe Streets
www.safestreeets.org

Senate Federal and State Affairs Com.

Date: March 16, 2004

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My concern and question to you is; are people 24 hour a day safe gun owners? Ask yourself and your friends these questions.

- ✓ Are there children, grandchildren or teens living in your home? Children are naturally curious and almost always are able to locate a gun hidden in the house, car, purse etc.
- ✓ As a parent or caregiver, consider the difficulty in teaching young adults not to rely on a gun as a source of personal protection if you do. If you behave as though life is so dangerous that you need to carry or keep a gun for protection, they may adopt mom or dad's solution and get a gun for themselves.
- ✓ Evaluate the amount of time that young children and adolescents are unsupervised in the home.
- ✓ Are there adolescents or older teens living in your home that may experiment and engage in gunplay or may use a gun in anger or fear? How about your children's friends? Death or lifelong disability is too big a punishment for a teen's disobedience or poor judgment.
- ✓ Are there members of your household who are experiencing emotional stress or despair? The loss of a job, illness, gambling addiction, Alzheimer's or other mental health issues.
- ✓ Does anyone in your home engage in alcohol or drug use? When individuals are drinking alcohol or using drugs, the chance of arguments and disagreements escalating into violence is significantly increased.
- ✓ Consider whether other methods of self-protection or home security present reasonable alternatives for you. Non-lethal weapons of defense may include pepper sprays, personal alarms, home security systems etc.

Do we want our youth to have easy access to weapons? My fear is that concealed carry will lead to more firearm injuries.

Safe Streets conducted 90 Neighborhood Watch meetings for law enforcement this past year. We know from talking to people that loaded guns are stored in nightstands, under couch cushions and in purses. It has been a struggle to get people to even begin to consider safe gun storage in their homes to avoid injuries. If the argument for concealed carry is it will help lower crime, think about the number of places that will post no weapons allowed on there premises. If you can't carry it into those places where are you leaving the gun? The top property crime in our city is to vehicles. My fear with concealed carry is that more people will have easy access to weapons intended or not, and we will all pay the price.

Thank you for your attention to this matter.

Sally Zellers
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Safe Streets
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Topeka, Kansas 66611
szellers@safestreets.org



Testimony

Unified Government Public Relations
701 N. 7th Street, Room 620
Kansas City, Kansas 66101

Mike Taylor, Public Relations Director 913.573.5565
Don Denney, Media Relations Specialist 913.573.5544

House Bill 2798 Family Protection Act

Delivered March 16, 2004
Senate Federal and State Affairs Committee

The Unified Government of Wyandotte County/Kansas City, Kansas opposes House Bill 2798.

The 2004 Legislative Program for our community states: *"The Unified Government opposes legislation allowing the carrying of concealed weapons and opposes any legislative effort to restrict or pre-empt local home rule authority to regulate firearms."*

The 2004 Legislative Program was unanimously adopted by the Board of Commissioners after a series of public meetings and workshops. The opposition to concealed carry legislation represents a consensus of the Commission and a consensus of the citizens in Wyandotte County.

House Bill 2798 is problematic for several reasons. First, New Section 17 of the bill specifically provides that "any city ordinance or county resolution that regulates, restricts or prohibits the carrying of concealed weapons shall not be applicable to any person licensed in accordance with the provisions of this act." Cities in Kansas have been regulating firearms since statehood. Pre-emption on this important public safety issue is unacceptable. Wyandotte County has experienced a 50% decrease in violent crime since 1995. This is a result of dedicated, focused law enforcement and committed neighborhood and citizen groups. Stripping local elected officials of their ability to regulate firearms is not a positive step toward helping our community control crime.

Secondly, House Bill 2798 lists a number of locations where individuals would not be allowed to carry concealed weapons. It includes police stations, courthouses, and a number of other locations. This measure would allow guns in a number of municipal facilities such as parks, auditoriums and libraries.

Finally, House Bill 2798 is troubling because it once again overrides the wishes of the local community and the decisions of locally elected officials in favor of a legislative mandate. This is unacceptable on any issue, but when it comes to allowing more guns on the streets of our community, it is reprehensible.

Senate Federal and State Affairs Com.

Date: **MARCH 16, 2004**

Attachment: #

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Larry R. Hund, M.D., F.A.A.P.
Steve Chavez, M.D., F.A.A.P.
Cindy Durr, D.O., F.A.A.P.
Debra A. Kinnane, M.D., F.A.A.P.
Christina Mannix, M.D., F.A.A.P.
Frank Banfield, M.D., F.A.A.P.
Mario Borlongan, Jr., M.D., F.A.A.P.

Wendy Dusenbury, A.R.N.P., M.S.N.
Leslie Hedges, PA-C
Jenny Ecord, A.R.N.P., M.S.N.

Vicki L. Ackerman, M.B.A.
Administrator

February 17, 2004

To the Kansas Legislative Body,

I am writing on behalf of the Greater Wichita Pediatric Society as the current President to express our opposition to the concealed-carry act. As pediatricians and advocates for children we support measures to protect them from accidental and nonaccidental gun injuries. We ask that you vote against measures that could expose our children to more gun violence.

Carrying concealed weapons will not make us safer. Despite the proposal to only allow law-abiding citizens the access to this license, past experience has shown regulation of this to be difficult, flawed, and virtually impossible to assure. Even concealed weapons can and will fall into the wrong hands, and increase the gun violence, which is already a problem in our country. A false sense of security is not security. Please continue to show the good judgment you have in the past and vote against the concealed-carry act.

Sincerely,

Debra W. Kinnane

Debra Kinnane, M.D., F.A.A.P.
President of the Greater Wichita Pediatrics Society

9825 Shannon Woods
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6837 W. 37th Street North, Bldg. 1
Wichita, Kansas 67205
(316) 773-3100
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Date: *March 16, 2004*

Attachment: # *11*



MAIN STREAM COALITION

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Janis McMillen

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Michael Shook

Rev. George Tormohlen

Linda Trout

Joe Vaughan

Caroline McKnight
Executive Director

To: Senator Pete Brungardt and the members of
The Senate Federal and State Affairs Committee

From: Janis McMillen, Public Policy Chair

The MAINstream Coalition

The MAINstream Coalition, a public policy advocacy group based in Prairie Village, Kansas, serving approximately 2,500 members has this official position on Gun Control:

The MAINstream Coalition believes that all current laws restricting the carrying and use of weapons should be strictly enforced.

We support any measure that will curb the proliferation of personal firearms in America.

We oppose the concealed carry of weapons by the general population.

We support legislation to provide for safety locks on all firearms.

The MAINstream Coalition opposes HB2798 because we firmly believe that more people carrying handguns, well-trained or not, does not make for a generally safer society. The current availability of firearms makes America the most violent nation at peace in the world. We question why an individual's desire to carry a personal firearm should supersede the right of Americans to live without the fear of gun violence literally everywhere they go.

Contrary to the gun lobby, MAINstream asserts that dropping crime rates are not a by-product of more concealed weapons. However, rising domestic and school violence and both teen and adult suicide rates can be connected to the increased availability of firearms.

Kansas needs to stand its ground as a non-concealed carry state, despite the efforts of our neighbor to the east to succumb to the pressures of the gun lobby. Our communities have spoken. We do not need more guns to live safer lives.

Senate Federal and State Affairs Com.

Date: MARCH 16, 2004

Attachment: #

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The Historic Lackman-Thompson Estate

11180 Lackman Road
Lenexa, KS 66219-1236
913.888.1414
Fax 913.888.3770

TO: Senator Pete Brungardt, Chair
Members, Senate Federal & State Affairs Committee

FROM: Ashley Sherard, Vice President
Lenexa Chamber of Commerce

DATE: March 16, 2004

RE: **Opposition to HB 2798—Licensure for Concealed Carry of Weapons**

The Lenexa Chamber of Commerce would like to express its opposition to the concepts embodied in House Bill (HB) 2798, which provides for licensure to carry certain concealed weapons.

Supporters of concealed carry legislation primarily contend adopting such laws acts as a deterrent that substantially curbs violent crime. Researchers, however, continue to be stubbornly divided on the effects of concealed carry laws on crime rates.

There is also contradictory evidence about the effectiveness of screening procedures. Proponents contend that screening procedures would ensure permit holders are law-abiding citizens. An investigation by the *L.A. Times* in 2000, however, revealed that in Texas (where concealed carry was enacted in the mid-1990s) concealed carry licenses were given to over 400 individuals who had prior convictions, including rape, robbery, and other serious crimes, or had psychological, drug or alcohol problems. In addition, more than 3,000 Texas licensees have been arrested since the law took effect, including arrests for offenses involving murder, violence or drugs.

Many Kansas residents have expressed concern that authorizing concealed carry legislation would make their families feel less safe in their communities and that such a measure is unwarranted in Kansas. Polls taken in the 1990s also showed a majority of Kansans statewide did not favor concealed weapons at that time.

Further, businesses are also concerned about the potential safety and liability issues arising from employees or customers carrying a concealed weapon, and in many cases it would be expensive or impractical for businesses to enforce policies prohibiting concealed weapons on businesses premises. (Indeed, the most controversial fallout from a concealed carry law that went into effect in Minnesota in May 2003 has been issues surrounding the posting of signs banning weapons.)

Due to its potential impact on liability issues and on quality of life, the Lenexa Chamber of Commerce urges the committee *not* to recommend HB 2798 favorable for passage. Thank you for Senate Federal and State Affairs Com. issue.

Date: **MARCH 16, 2004**

Attachment: # **13**

March 16, 2004

Dear Members of the Senate Federal and State Affairs Committee:

I am writing this letter on behalf of the Kansas-Oklahoma Conference, United Church of Christ, Peace with Justice Task Force. As a co-chair of the task force I write to express opposition to the carry concealed weapons legislation now being considered by your committee. This task force is a faith-based organization of pastors and lay persons dedicated to non-violence and peace for all of God's creation.

We believe that any legislation allowing citizens to carry concealed weapons into public places, including churches and day care centers, is the opposite of what God desires for this world and goes against who we are called to be as children of God. Our crime rate in Kansas has gone down since Governor Graves vetoed the last carry concealed bill to pass the legislature in 1997. Nationally, in a ten year period ending in 2002, 636 police officers were killed in the line of duty - with 136 of those officers being killed with their own weapons. That statistic reflects an unspeakable tragedy among highly trained professionals. We do not need ordinary citizens - even with the training outlined in the legislation - carrying weapons that could very well be used against them. The potential for violence and much more death is too great. This legislation must be stopped for the well-being of all of the citizens of Kansas. There is no demonstrated need for carry concealed weapons, in fact, all the evidence, statistic, moral and ethical point to the need to end any effort to enact the carry concealed weapons law that you are considering.

Again, on behalf of the Kansas-Oklahoma Conference, United Church of Christ, Peace with Justice Task Force, I ask you to oppose the carry concealed bill.

Thank you,

The Rev. Michael Poage,
pastor, Fairmount United Church of Christ, Wichita, KS,
co-chair, Kansas-Oklahoma Conference, Peace with Justice Task Force

Senate Federal and State Affairs Com.

Date: March 16, 2004

Attachment: # 14