

Approved: 2-21-06 Date

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 February 2, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Athena Andaya, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Mary Ann Torrence, Revisor of Statutes Office  
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Senator Journey  
Rep. Candy Ruff  
Paula Radcliff, Kansas State Rifle Assoc  
Paul Degener  
Scott Hatstrup  
Kelly Johnston, safe State Kansas  
Kimberly Winn, League of Kansas Municipalities  
Mark Desetti, Kansas National Education Association

Others attending:

See attached list.

A bill introduction request that would establish a citizen's commission to conduct an extensive study of the separation of powers pertaining to the three branches of government of the state of Kansas.

Senator Brungardt made the motion that this request should be introduced as a committee bill. Senator Wilson seconded the motion. The motion carried

**SB 418 - Personal and family protection act; licensing to carry concealed firearms**

Chairman Brungardt opened the hearing on **SB 418**.

Senator Journey appeared in favor of the bill. (Attachment 1) This bill enacts the personal and family protection act, providing licensure to carry concealed weapons and the penalties for violation. Senator Journey felt that this bill was good public policy.

Representative Ruff, spoke in favor of the bill. (Attachment 2) There are 46 states that currently allow conceal carry for their law abiding citizens and felt this was the year for Kansas to pass Right to Carry.

Paul Degener, testified in support of the bill. (Attachment 3) Mr. Degener stated that Article 4, Kansas Bill of Rights, gives the people the right to bear arms for their defense and security and urged the committee to support this bill.

Paula Radcliff, Kansas State Rifle Association, spoke in support of the bill. (Attachment 4) Ms. Radcliff asked that Kansas not be precluded from the right of self-protection, which has been recognized in 46 other states.

Scott Hatstrup, appeared in favor of the bill. (Attachment 5) The bill in its current form supports the right of individuals and their families to self-protection and therefore supports this bill.

Written testimony in support of the bill was provided by Keith Wood, Nation Rifle Association, Institute for Legislative Action, (Attachment 6) and Carissa Culling McKenzie. (Attachment 7)

Kelly Johnston, Safe State Kansas/Inter-Faith Ministries appeared in opposition to the bill. (Attachment 8) Safe State Kansas is totally opposed to the concept of legally carrying concealed weapons except by commissioned law enforcement officers. Mr. Johnston provided information on a Violence Policy Study and other statistical information that was found on the website: The Violence Policy Center at <http://www.vpc.org> .

Kimberly Winn, Director of Policy Development & Communications, League of Kansas Municipalities, appeared before the committee. (Attachment 9) Ms. Winn informed the committee 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, but the league does however take a strong position in favor of Constitutional Home Rule and local control and oppose any legislation which preempts local regulation of firearms.

Written testimony in opposition was received from: Chief of Police Ellen Hanson, Lenexa Police, (Attachment 10) Keith Faddis, City of Overland Park, Law Enforcement, (Attachment 11) Wes Ashton, Overland Park Chamber of Commerce, (Attachment 12) Mike Taylor, Unified Government of Wyandotte County, (Attachment 13) Robert Vancrum, Greater Kansas City Chamber of Commerce, (Attachment 14) Horace Santry, Peace and Social Justice Center of south Central Kansas, (Attachment 15) Rev. Michael Poage, Fairmount United Church of Christ, (Attachment 16) and Janis McMilen, League of Women Voters of Kansas. (Attachment 17)

Mark Desetti, Kansas National Education Association, provided neutral testimony on the bill. (Attachment 18) KNEA does not take a position on whether or not concealed firearms should be allowed in Kansas, but cannot allow any firearms to be carried near teachers and the students they serve. KNEA believes this bill falls short of ensuring that school employees and students are protected. As the bill reads now it is a Class A misdemeanor, and the KNEA is asking for an amendment to Section 10, to include a prohibition on carrying concealed weapons to any school, community college, college, or university sponsored activity, and that there be zero tolerance policies for firearms.

Chairman Brungardt closed the hearing on **SB 418**.

**SB 370 - Wine manufacturers permitted to sell wine directly to consumers subject to requirements to maintain three-tier distribution system**

A balloon was provided to the committee and explained by the Revisor; the new section included changes that had been requested from a previous meeting.

Senator Brownlee provided the committee with a substitute bill. The committee voted to work the balloon provided by the Revisor.

Senator Vratil moved two amendments to the balloon.

1. to strike in New Section 1 (b) all of (1B)
2. to delete the language in New Section 1 (a) after "ship" that reads: "not more than 24 bottles of wine per calendar month" and insert the word "wine" after ship.

Senator O'Connor seconded the motion. The motion carried on both amendments.

Senator Vratil moved to pass SB 370 out favorably as amended. The motion was seconded by Senator Reitz. The motion carried.

Senator Ostmeyer and Senator Brownlee wanted to be recorded as voting no on the bill.

The meeting was adjourned at 11:58 am. The next scheduled meeting is February 7, 2006.

SENATE FEDERAL & STATE AFFAIRS COMMITTEE GUEST LIST

DATE 2-2-06

Kiel Brunner	Manhattan Chamber
Tom Palace	PMCA OF KS
Les Meyer	Holy-Field Vineyard & Winery
RICH BRYAN	KANSAS VITICULTURE ASSN.
Greg Shipe	Dawsonport Winery
FRANK RILEY	KANSAS VITICULTURE & FARM WINERY ASSN.
Ray Hammarlund	KDOC
Carole Jordan	KDA
Mark Desetti	KNETA
Lindsay Douglas	Hein Law Firm
<b>KEN DANIEL</b>	<b>KS SMALL BIZ.COM</b>
KELLY PARKS	KACP / VALLEY CENTER CHIEF
Kelly W. Johnston	Safe State Kam / Interfaith Min
Dale Wasson	Burdon Police Dept
Paula Radcliff	Kansas Rifle Association
Kurt Radcliff	Clearwater Police Dept
Dr John A Brewer	Wylde wood Cellars
Beth Z. Brewer	" "
Mike Dato	MASTER INSTRUCTOR KANSAS HUNTING Ed.
Patricia A. Storking	NRA Certified Firearms Instructor
Tom Braddy	Wylde wood Cellars
Carissa McKenzie	Horse Creek Ranch
Roger A. Heenan	self
KURT R. HOFFMAN	SELF
Norm Jennings	Smoky Hill Winery & KGGWA



## SENATOR PHILLIP B. JOURNEY

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TOPEKA

## SENATE CHAMBER

**Testimony for the Kansas State Senate  
Federal and State Affairs Committee**  
Presented February 2, 2006 in Support of SB418

## COMMITTEE ASSIGNMENTS

MEMBER: SPECIAL CLAIMS AGAINST THE STATE  
(JOINT), CHAIR  
HEALTH CARE STRATEGIES  
JUDICIARY  
PUBLIC HEALTH AND WELFARE  
TRANSPORTATION

CORRECTIONS AND JUVENILE JUSTICE  
OVERSIGHT (JOINT)

SOUTH CENTRAL DELEGATION, CHAIR

Mr. Chairman, Members of the Committee, I want to thank you for the opportunity to address you again in support of this important legislation. I am sure many in the room are aware of my support and my expertise in this area of the Law. I served as the President of the National Rifle Association's affiliate the Kansas State Rifle Association and an independent PAC the Kansas Second Amendment Society. I have participated as part of a team approved by the KBI to train private detectives in obtaining their firearms permits and I am an NRA Certified Instructor and a Hunter Education Instructor as approved by the Kansas Department of Wildlife and Parks. This public policy choice is more than a simple decision of what is provable. It is about trust, trusting your constituents to have the means to protect their families, themselves, and their property. It is about sending a message to all not just the criminal element.

Depending on how you count, up to 46 States have already enacted this type of legislation in one form or another. Over 2,000,000 permits are issued at this time in the United States of America. We all know the modern media would report every noteworthy incident of violent crime committed by a permit holder while they tend to ignore those where permit holders come to the aid of law enforcement or thwart criminal activity. Here are a few examples.

Oklahoma Highway Patrol Officer, Rick Wallace. He had found marijuana on a speeder, but was overpowered by the man before he could cuff him. Passerby, Adolph Krejsek, witnessed the altercation and came to the rescue, using his own firearm to help the trooper control the suspect. After helping subdue the assailant, Krejsek used the injured trooper's radio to call for help.  
(*The Review Courier*, Alva, OK, 1/8/95)(AR 6/95)

Texan, Travis Neel, helped save a wounded Harris County deputy sheriff's life. Travis Neel witnessed the shooting by one of a trio of Houston gang members after a traffic stop just west of Houston. Travis Neel was on his way to his pistol range. He pulled his gun and fired, driving the officer's assailants away. An off-duty sheriff's deputy also came on the scene and joined Neel in covering the deputy, whose life was saved by his body armor. The trio was captured after a manhunt.  
(*The Post*, Houston, TX, 1/22/94)(AR 4/94)

Oba Edwards witnessed two policemen struggling with a man they were attempting to arrest and saw the man wrest away one officer's revolver, shoot and kill him. Edwards armed himself and fired a shot that allowed the remaining officer to recover his partner's revolver and fatally wound the attacker. The dead man was on probation for assault of a Texas police officer.  
(*The Daily Oklahoman*, Oklahoma City, OK, 6/7/88)(AR 9/88)

While these are only a few of the many examples possible, they were chosen because of their location and the factor of the citizen aiding law enforcement.

It is important to consider out of the 38 or so states with shall issue none have had a meaningful attempt to repeal the law. Two States do not have any prohibition against possession of a firearm on their person. Alaska retained their permitting system so their residents could take advantage of the reciprocity in other States.

The deterrent effect of the armed citizen is well documented. Criminals fear the armed citizen and the threat of punishment for using a gun (or other weapons) in committing a violent crime, according to the results of a survey of imprisoned felons conducted by Professors James D. Wright and Peter H. Rossi.

Through in-depth interviews with 1,874 imprisoned felons conducted between August, 1982, and January, 1983, the government-funded researchers delved into the deep-seated attitudes of criminals on the questions of weapons choice, deterrence, attitudes toward "gun control", criminal history, and firearms acquisition. The prisoners, studied under a grant from the National Institute of Justice of the U.S. Justice Department, were incarcerated in Arizona, Florida, Georgia, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, and Oklahoma.

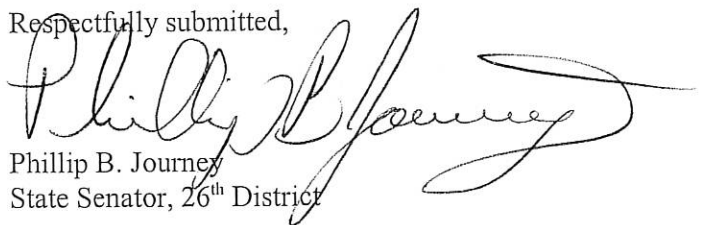
Here are a few statistical snapshots from the survey.

A 57% majority agreed that "Most criminals are more worried about meeting an armed victim than they are about running into the police." In asking felons what they personally thought about while committing crimes, 34% indicated that they thought about getting "shot at by police" or "shot by victim." 56% of the felons surveyed agreed that "A criminal is not going to mess around with a victim he knows is armed with a gun," 74% agreed that "One reason burglars avoid houses when people are at home is that they fear being shot."

Law Enforcement Technology magazine conducted a poll, 67% of street officers believed that all trained, responsible adults should be able to obtain CCW's. In a monograph, by Clayton E. Cramer and David B. Koppel, of the Independence Institute in Golden, Colorado, they concluded that "states considering carry reform can enact such laws knowing that reform will not endanger public safety and sometimes, carry reform lets citizens save their own lives."

The executive director of the Florida Chiefs Association stated, "the minute that the bill was passed, we asked our chiefs in the state to be particularly alert for any cases in their jurisdiction that would give us knowledge of the fact that there was some abuse...the law is working very well." John Fuller, General Counsel for the Florida Sheriff's Association agreed. "I haven't seen where we have had any instance of persons with permits causing violent crimes and I'm constantly on the lookout." A Florida legislator who originally opposed Florida's Firearm Permit law admitted, "There are lots of people, including myself, who thought things would [be] a lot worse as far as that particular situation is concerned. I'm happy they're not."

Respectfully submitted,



Phillip B. Journey  
State Senator, 26<sup>th</sup> District

Testimony of Rep. L. Candy Ruff  
Presented in Support of SB 418  
To Senate Federal and State Affairs Committee

Because this is the 10<sup>th</sup> year in which I have supported Right to Carry legislation, I want to assure you that we, as Kansas lawmakers, can trust the law-abiding citizens of Kansas. When I first became familiar with this legislation in 1996-97, I hadn't heard too much about the bill. Because my husband is a police officer, I asked him about the legislation. He said the last thing cops are afraid of is law abiding citizens. That was good enough for me.

The 1996 bill had been before my House Federal and State Affairs Committee about a week when I heard from two of my constituents. Articles had appeared in my local newspaper explaining the bill and these two women asked me to support it. When I asked them why, they told me of being rape victims. Both were attacked outside their homes, neither had reported their crimes to the police, but in both instances, the perpetrators had taken their keys, purses, identification and money. Both were scared to death.

Each wanted to protect herself by carrying a small fire arm. I immediately told them yes, I would support the bill and do what ever it took to get the bill passed. That was 10 years ago and I'm still fighting.

There are 46 states who currently allow conceal carry for their law abiding citizens and Nebraska is only a few weeks away from approval. For 10 years, I've been directly involved in the issue. This is the year to pass Right to Carry.

W. Paul Degener  
518 NW 56th St.  
Topeka, KS 66617  
(785) 246-0215  
w.degener@sbcglobal.net

SUBJECT: SB 418, Conceal Carry Legislation

Mr. Chairman, members of the committee, my name is Paul Degener and I am here in support of SB 418.

"II. ...the right of the people to keep and bear arms shall not be infringed." Amendment II, United States Constitution.

"§ 4. **Bear arms; armies.** The people have the right to bear arms for their defense and security; but standing armies, in time of peace, are dangerous to liberty, and shall not be tolerated, and the military shall be in strict subordination to the civil power." Article 4, Kansas Bill of Rights.

The above passages just about say it all. The founding fathers intended that the law abiding citizens of this country would always be armed. But in recent times, it appears as though those in control ignore our founding documents.

Studies have been conducted to support the notion that those states that have adopted conceal carry legislation have experienced lower crime rates. If Kansas were serious about reducing crime, they would have passed conceal carry legislation long ago. History in Kansas however, shows us that when we have a legislature who will pass conceal carry, we are saddled with a governor who will veto it. When we have a governor who will sign conceal carry legislation, we don't seem to be able to put together a legislature that will pass it. We in Kansas are in a no-win situation.

The last time we had this discussion, several conferees were asked about the feasibility of using mace or pepper spray in lieu of a handgun. I would like to attempt to answer that question. While attending a two-day defensive hand gun course at Frontsight Firearms Training Institute, we were provided the following information.

#### **How close is too close?**

"Mike Waidelich designed a study which measured the amount of time the "average" man can present his weapon from the holster or the "Ready" position and fire a single shot in the center of mass of a humanoid target and compared it to the distance a man armed with a contact weapon could run and inflict a fatal wound. The time is 1.5 seconds. In that 1.5 seconds, the "average" man can travel 21 feet. Therefore, when facing an opponent armed with a contact weapon, 7 to 10 yards away, with nothing intervening between you and the weapon, you are in immediate danger of death or serious bodily injury. Dennis Tueller later wrote an article on Mike Waidelich's study which appeared in SWAT Magazine, 1983 and the study became known as the Tueller Drill."



I have never had an occasion to use mace, but I would guess that you would have to have an assailant much closer than 21 feet for it to be effective, and based on the foregoing, you are in mortal danger if you are being confronted by a violent aggressor closer than 21 feet. .

In reality, law enforcement is reactionary. Very seldom are they present when a crime is being committed. This is not to disparage law enforcement; this is a fact of life. According to current law, law enforcement is not obligated to protect us as individuals; they are there to protect society as a whole. For those of us considered vulnerable to the bad guys, women and the elderly, what recourse do we have? The only conceivable answer I can come up with, is that we be allowed to carry a concealed weapon if we feel that we are threatened.

I urge you to vote in favor of this legislation.

Thank you for your time.

## TESTIMONY

To: Senate Federal and State Affairs Committee

From: Paula Radcliff

Subject: Support for Senate Bill 418

Date: February 2, 2006

Good morning, Mr. Chairman and members of the Committee.

I am Paula Radcliff from Dexter, Kansas. My husband and I own a ranching operation in Cowley County. I have been married for thirty-two years and I have two children, two stepchildren and four grandchildren.

During that time, I managed my own mail order business for ten years and became involved in many volunteer organizations.

Eleven years ago, our local sporting club in conjunction with the Kansas Wildlife and Parks hosted our first Youth Hunter Education Challenge. The YHEC program focuses on firearms training and safety.

During the YHEC event, many mothers expressed a desire to have similar events for women only. This was the beginning of our Women on Target programs. The women receive one on one instruction with pistols, shotguns and rifles. There are also classes in deer hunting, turkey calling and upland game hunting.

The responses to the programs, which are now held annually, have been overwhelming. We have trained hundreds of women. I have also assisted in developing Women on Target events in other areas of the state.

During this time, I have become acquainted with many women of all ages and of various occupations. They are responsible women who take all aspects of their lives seriously whether it is completing their education, raising their children or performing in their professional field or a combination thereof.

The common thread that binds us together is our desire for our right to protect and defend ourselves in a violent society where women are too often the victims. With more women living alone, working outside the home, traveling alone or with their children, we have become more accessible targets and our need for personal protection has become more acute.

Due to the criminal's instinctive knowledge, he knows that we do not have the means of self-protection. The predator knows that our cell phones and our self-defense classes are not sufficient to protect us from his attack.

At this time, I would like to share with you data from the National Safety Council. The NSC is a nonprofit public service organization chartered by the U.S. Congress. They publish a chart with the "odds" of dying by various means. You are probably familiar with the concept of odds. The lower the number, the more likely it is to happen.

The fourth column in the NSC chart (1) gives the odds of dying in a particular way over the course of your lifetime. According to the chart, the lifetime odds of dying by an assault of any kind are 1 out of 211. That means you have a 1 in 211 chance of being killed in an assault with a knife, a gun, a beating, or by any other violent means.

How does that compare to car accidents? The lifetime odds of dying in a car accident are 1 in 228. That's right. The odds of being killed in an assault are higher than the odds of being killed in your car. It is not just your odds of being killed in an assault that you should consider, because the odds of being beaten or raped or otherwise injured are far higher since most assaults do not end in death.

Perhaps the Kansas Legislature was prudent in not passing a Right To Carry Act in the early years. It was enacted in Florida in 1987. There are now a total of 37 states, including our governor's home state of Ohio with "shall issue" legislation and nine states with "may issue" legislation. To date, no state has repealed their right to carry statutes.

Mr. Chairman, members of the Committee, I would ask you, why are we, in Kansas, precluded from our right of self-protection when it is recognized in forty-six other states? I believe that now is the time and place to re-establish those rights. We want you to know that we would take the responsibility seriously and that we can be trusted with those rights.

I thank you for the opportunity to appear before you today and ask for your support for Senate Bill #418.

Paula Radcliff  
P.O. Box 100  
Dexter, KS 67038  
620-876-5418

(1) NSC website: <http://www.ncs.org/lrs/statinfo/odd.htm>

5)

Statement before the Kansas Senate Federal and State Affairs Committee  
in support of SB 418, February 2, 2006

**Scott G. Hatstrup** (*Univ. of Kansas*: B.G.S., 1989; J.D., 1995) is an attorney practicing in Lenexa, Kansas. He co-authored *A Tale of Three Cities: The Right to Bear Arms in State Supreme Courts*, which appeared in the Temple Law Review, volume 68, page 1177, in the fall of 1995. This article was reprinted in volume 8, fall 1996, of the Journal on Firearms and Public Policy, an annual review of important articles on firearms published by the Second Amendment Foundation. Mr. Hatstrup has testified before Kansas House & Senate committees every year since the 1995 session, always and only on firearm issues. He has served on several local firearm organization boards, and is currently a director of the National Association of Arms Shows. He is an NRA certified firearms instructor in all disciplines, instructor trainer, nationally ranked competitive shooter in USPSA/IPSC and NRA Action Pistol, and has attended numerous firearm training schools.

SB 418 in its current form supports the rights of individuals and their families to self-protection, and I therefore **support** it.

Kansans are responsible citizens. We all deserve the opportunity to protect ourselves from criminals. SB 418 provides a means by which law-abiding Kansans can obtain training in the safe, responsible use of a firearm, and learn how and when firearms are properly used. Under this bill, training classes will be provided by those who are knowledgeable in firearms usage and have satisfied the Kansas Bureau of Investigation that they know the legal standards for self-defense. Applicants will also undergo background checks. Only then will a license be issued. It is identical to the final amended version of HB 2798 which passed the Legislature in 2004.

By enacting this legislation, Kansas will join 46 other states which currently have some system permitting firearms to be effectively carried for self-defense. None of the states which enacted this type of legislation saw increased crime. In the states which enacted a "shall issue" law similar to that proposed in SB 418, annual murder rates dropped an average of 8.5%, rape rates dropped an average of 5%, aggravated assaults by 7%, and robbery by 3%. John R. Lott, Jr. & David B. Mustard, *Crime, Deterrence, and Right-to-Carry Concealed Handguns*, 26 *Journal of Legal Studies* 1 (University of Chicago: January 1997). [JLS is a peer-reviewed legal journal not known for publishing "pro-gun" studies.] That study has been published as a book entitled "More Guns, Less Crime." These crime reduction percentages are significantly higher in urban areas which have above-average crime rates. These are significant reductions in crime rates and represent many individuals who would otherwise have become victims of violent crime. The authors of the study have continued to review the FBI crime statistics each year since the study was first released, and have seen consistent, similar results each year since then.

If the states which do not have this type of legislation, such as Kansas, had enacted it in 1993, citizens would have been spared approximately 1,570 murders, 4,177 rapes, 60,000 aggravated assaults, and 12,000 robberies through 1998. SB 418 is an effective means of deterring person on person crime.

One of the main reasons crime drops after a law like this passes is the general publicity surrounding passage of the law informs those who would commit crimes that the costs of attacking a now-potentially armed victim just increased. The other main reason crime drops is that applicants, most of whom already owned a gun, got the mandatory training called for in the

bill. Most gun owners never take any sort of training course. Only 1 to 4% of the total eligible population in a state ever obtain a license to carry. Legislation like that proposed has a secondary effect of making affordable firearm training more common, thus leading those who already own a firearm to have better access and motivation to become proficient.

I have many clients and other interested parties who ask me as an attorney how they can carry a firearm legally in Kansas to protect themselves. Many of these Kansans are women who have been battered and are seeking my help in obtaining a protection from abuse or restraining order, or are in the process of filing for divorce. Others have been victims of violent crimes and now seek to defend themselves. Unless you have survived a violent crime or witnessed it first-hand, you cannot know the daily terror many live through. Open carry is actually illegal in Kansas City, Topeka, and Wichita, and is strongly discouraged in other large cities.

I urge your support for SB 418. When you vote on this bill, please remember the past victims of violent crime in this state and the others in Kansas who may become victims of crime without it. A vote in favor of SB 418 will protect both.

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

January 29, 2006

Senate Federal & State Affairs Committee  
Kansas State Legislature

Dear Senator:

On behalf of the nearly 40,000 members of the National Rifle Association living in Kansas, I am writing to urge your support of SB 418.

This legislation, known as the Personal and Family Protection Act, is certainly not a new issue for the Kansas Legislature. SB 418 represents the culmination of over ten years of debate, amendment, and careful consideration by both standing committees and the House and Senate chambers at-large. Kansas is not a "test case" on this issue, far from it. 46 states provide some method of allowing private citizens to lawfully carry concealed firearms outside of their homes and businesses, 38 states are what we refer to as Right-To-Carry (RTC) states with non-discriminatory laws similar to what is being proposed in SB 418. Not one of these states has ever made a serious effort to repeal these laws. Why? Because they work.

For several years, the proponents of RTC legislation have presented factual, common-sense testimony on the merits of this type of legislation using facts, figures, statistics, and real-world examples. For as many years, the opponents have used emotional pleas, conjecture, misrepresentations, and downright falsehoods to support their claims. Among the opponents' arguments is the statement that SB 418 is a "cure seeking an illness", perhaps they should tell that to the 10,445 victims of violent crime that occurred in Kansas during 2004. Those victims deserve a fighting chance against criminals who are currently armed in flagrant violation of the law. The fact is, the type of Kansan who seeks a permit to carry a firearm, who is willing to endure a background investigation, provide detailed personal information, undergo training and certification, and pay a significant fee is not the Kansan who we should fear. These citizens are asking for a manner by which to obey the law while protecting themselves and their families- we ask that you recognize that most fundamental right of self-preservation.

The fact is that the number of firearms possessed and legally carried by individuals in the U.S. is at an all-time high while violent crime is at a 30-year low and firearm accidents are at an all-time low. RTC is a proven concept and represents careful and common-sense public policy. This legislation's time has come and we ask that you give it the consideration and support that it deserves. Thank you for your attention on this very important issue.

Respectfully,

Keith Wood  
NRA-ILA Kansas State Liaison

TESTIMONY OF CARISSA MCKENZIE

IN SUPPORT OF SENATE BILL 418  
The Personal and Family Protection Act (Right-to-Carry)

Kansas Senate  
Federal and State Affairs  
Sen. Pete Brungardt, Chairman  
2 February 2006

Carissa Culling McKenzie  
29584 Old K-4 Road  
Alta Vista, KS 66834  
620.767.7858

Mr. Chairman, thank you for the opportunity to speak in support of SB 418 (the Personal and Family Protection Act). I desire a concealed weapons license as a means of lawful self-defense. Because the right to self-defense neither begins nor ends at a state border, and because I wish to defend myself when traveling in other states, Right-to-Carry reciprocity and recognition would be helpful. I believe in the inherent right to keep and bear arms, but see this regulation as a step toward convincing various government entities, including law enforcement, that the carrying of firearms should not make criminals out of honest people.

**Reasons for the Committee to support SB 418 include:**

1. Self-defense is a fundamental right. RTC laws respect the right to self-defense by allowing individual citizens to carry firearms for protection against criminals.
2. There is no legal obligation of law enforcement officers to protect any individual.
3. Police cannot be expected to be on hand when assistance is needed.
4. Best available evidence indicates that guns were used about three to five times as often for defensive purposes as for criminal purposes.
5. Most protective firearms uses do not involve discharge of a firearm.
6. Right-to-Carry adheres to the presumption of innocence.
7. Punishment, not previous restraint is the remedy for misuse of rights.
8. The five states with the lowest violent crime are RTC states. (FBI)
9. A Dept. of Justice survey found that 40% of felons chose not to commit at least some crimes for fear their victims were armed.
10. In all states with RTC laws, people who are issued carry permits are statistically more law-abiding than the general public. (Prof. John Lott, Jr. study on crime)
11. Safety Issues:  
Firearms-related deaths have decreased every year since 1993.  
Firearm accident death rate is at an all-time low - 0.3 per 100,000 population.  
Firearms are involved in only 1.2% of all deaths/1.2% deaths among children.  
Firearms are involved in only 0.8% of accidental deaths.  
Education decreases firearms accidents.
12. Joseph Story of the Supreme Court (1833) wrote: "The right of the citizens to keep and bear arms has justly been considered the palladium of the liberties of the republic..."

Again, thank you for the opportunity to express my support of SB 418.



## Program Director

Karole Bradford

## TESTIMONY BEFORE THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE SEN. BRUNGARDT, CHAIRMAN

### ANALYSIS OF SENATE BILL 418

February 2, 2006

## Council of Directors

Kelly W. Johnston  
Chairperson

Elizabeth Kinch  
Past Chair

Pat Cameron

Matt Greene

Ivonne Goldstein

Liz Hicks

E.L. Lee Kinch

Dr. Manfred Menking

Rev. Sam Muyskens

Karen O'Connor

Peg Vines

Al Vopata

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 2004), 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 a concealed carry bill. 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.

## Honorary Board

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John Bell

Rev. Max Clayton

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Linda Weir-Enegren

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Rev. Tyrone Gordon

Carol Konek, Ph.D.

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**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).



3. **MAY VS. SHALL ISSUE:** The bill proposes to give to the Attorney General the duty of issuing licenses, conducting background checks, overseeing training courses, and trying to make sure that unsafe and dangerous people don't acquire CCW licenses. A definite public safety responsibility is being placed on the Attorney General. But this bill does not give to the AG 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)[p.5, l. 4-13] permits a sheriff to send the AG 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 6-7]. Obviously, this would 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 AG 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 AG, and the AG 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 AG 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. Remember that the only reason domestic terrorist Tim McVeigh was located and arrested for the Oklahoma City mass murder was because Oklahoma did not permit reciprocity. In fact, McVeigh tried to excuse his possession of a handgun by showing his New York CCW permit to the Oklahoma Highway patrolman who pulled him over. The patrolman is reported to have told McVeigh "that's no good here". What if Oklahoma had had reciprocity with New York? Reciprocity is not a feature of a reasonable, cautious concealed carry law.

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 AG comprehensively confirm every applicant to not be a drug abuser? Another example 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 background checks. When

you also consider that the AG will be mandated to issue a license within 90 days [p. 5, l. 27], 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. SHERIFF REPORTS OF DANGEROUS APPLICANTS:** New Section 5(c)(2)[p. 5, l.4-13] allows a sheriff to tell the AG 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 AG what to do with such a report, if the applicant otherwise meets the eligibility requirements of the law. New Section 5(e)(2) [p. 5, l. 31] gives the AG authority to deny a permit based upon a sheriff report only for "good cause shown". 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 SB 418 does not give to the AG the discretion to deny a permit in the interest of public safety.

**7. NO GUN ZONES:** It is important to realize how New Sections 10 [p. 7] and 11 [p. 8] are structured. New Section 10 describes a list of 18 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 A 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 permits businesses to prohibit CCW on their premises by posting a "No Guns Allowed" sign. New Section 11(b) strangely imposes only a Class B misdemeanor 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 the same teeth to enforcing New Section 11 as they do for violating Section 10. Why?

New Section 10 curiously prohibits CCW at the State Fair Grounds, 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.

**8. CARRYING CONCEALED WEAPONS WHILE INTOXICATED:** New Section 12 [p.8, l. 26] 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? 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.

**9. CRIMINAL ACTIVITY BY CCW LICENSEES:** New Section 16 [p. 10] requires the AG to publish annually a report regarding the number of licenses issued, revoked, suspended or denied. 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 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.

**10. LOSS OF HOME RULE FOR CITIES AND COUNTIES:** New Section 17 [p.10] will pre-empt 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?

**11. 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.

**12. CONSTITUTIONALITY:** Buried in the text of this bill on page 10 [l. 37-39], 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.



## H.B. 2577 - LIBERALIZING THE LAW OF SELF-DEFENSE

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This bill proposes to amend the Kansas Criminal Code regarding the law of self-defense. These statutes have withstood 35 years of use in our trial courts, appellate court review, and legislative oversight. Safe State believes that the law should not be changed. Too often, new legislation creates "unintended consequences". New legislation in an area involving homicide and use of firearms should not be considered without careful forethought and analysis by district attorneys, law enforcement agencies, and professors of criminal law. Safe State also submits that the proponents of this legislation have not demonstrated why current self-defense law is inadequate to protect the rights of persons claiming self-defense. This proposal contains six sections, and our analysis will look at each section separately.

**New Section One** creates a factual presumption that the person (defendant) claiming self-defense "held a reasonable fear of imminent death or great bodily harm to such person's self or another person" [p.1, l. 15 - 17] if certain facts exist. Under current law, in order to justify the claim of self-defense, the person claiming such a defense "must present some evidence, either through his own testimony or from other witnesses, to support each prong of a two-prong test. The first prong is subjective, and requires a showing that the defendant sincerely and honestly believed it necessary to kill in order to defend himself. The second prong is an objective standard and requires a showing that a reasonable person in the defendant's circumstances would have perceived self-defense as necessary." **State v. Lutter, 27 Kan. App. 2d 858, 860, 10 P.3d 16 (2000)**. Under the proposed bill, this presumption as to the intent of the defendant will prevail upon a showing that the person against whom deadly force was used, was engaging in criminal conduct, and that the defendant had reason to believe that certain kinds of criminal conduct was occurring or had occurred. It is important to understand under this proposal that the focus has shifted away from the intent of the defendant, and would instead be directed upon the conduct of the person against whom deadly force was directed. There would no longer be an affirmative obligation upon a defendant to produce evidence that they believed themselves or another person to have been in imminent danger of grave bodily harm. There is also no guidance in this bill as to how much time may pass between the act of alleged self-defense, and the previous occurrence of the criminal act ("or had occurred") which prompted the self-defense. [p. 1, l. 25.]

**New Section One** also disqualifies four classes of circumstances from benefiting from the presumption shield. But there are potential problems with the definition of these classes. Subsection (b)(1) prevents use of the presumption where deadly force was used against a titled homeowner or lessee. What about a permitted user of an automobile, such as a child of

the owner, or someone who has a key to a neighbor's home to feed the neighbor's dog? Do these people fall within the classification of "an owner, lessee or titleholder"? [p. 1, l. 29.]

Of most concern to Safe State, however, is subsection (b)(4) concerning police officers. Obviously, we agree they should be in this excepted class, but we are concerned that the proposed language only permits police officers to fall within this exception if certain facts exist. Safe State believes that an "unintended consequence" of adopting this language could be to make it easier to prove self-defense for shooting a police officer. No presumption shield should be available where a police officer is the victim. Self-defense should be an assertion available to a defendant, but he should be required to prove that assertion in the manner provided under current law. See, for example, **State v. Tyler, 251 Kan. 616, 625-27, 840 P.2d 413 (1992)**.

Subsection (c) proposes to extend a shield of presumptive criminal intent to the person against whom deadly force is used. What would happen in the situation where a car owner became confused which car in a large parking lot at night was his? If he was "attempting to enter" [p. 2, l. 3] a car occupied by someone sleeping off an intoxication, and is shot by that person who might legally (if the carrying of concealed weapons became legal, for example) be carrying a firearm, then why should the mistaken car owner be presumed to have had "intent to commit an unlawful act involving force or violence." [p. 2, l. 11 - 14.] If he is dead, he certainly will not be able to prove otherwise. Notice that H.B. 2577 not only would create a presumption that the defendant had an innocent intent, but also proposes circumstances where the person the defendant attacked is assigned a presumed criminal intent. Safe State believes the current law of self-defense has not been demonstrated to be inadequate to serve the needs of citizens properly asserting self-defense. Guilt or innocence should be determined by juries, not by confusing presumptions.

**New Section Two** is ill-advised because "attacked" is not defined. Is being "attacked" to be determined by an objective standard like "a reasonable person" or is it based solely on the viewpoint of the person using self-defense? In addition, the language "has the right to stand such person's ground and meet force with force" [p. 2, l. 14.] is ambiguous at best. What would happen if a woman walking alone in a park while wearing headphones, but carrying a concealed firearm, is tapped on the shoulder from behind by a man carrying a cane? If she is frightened, and can't hear the man asking for directions to the water fountain, and she thinks his gestures with the cane are a threat, is this a situation where "force" can be met with "force", and she can shoot him without first trying to warn off the man, or trying to retreat and run? This is dangerous language because it is so vague.

**New Section Three** substantially broadens the scope of the shield that will be available to those claiming self-defense. **New Section Three** also provides immunity from criminal prosecution (defined at p. 2, l. 26 - 27 as "arrest, detention in custody and charging or prosecution") and civil liability (remember O.J. Simpson was exonerated of criminal liability but still found liable for civil damages for wrongful death). See

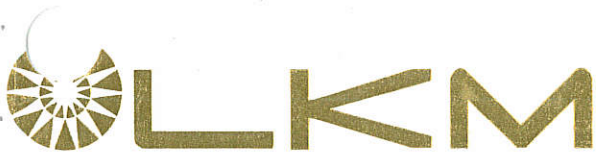
Subsection (c), which allows attorney fees, court costs and loss of income or expenses to someone who is sued for negligently causing a wrongful death, if a court finds that they are entitled to immunity under these proposals. It is strange that the proponents of this bill allow a person claiming self-defense to file a civil lawsuit, but the victim of a negligent or reckless shooting is denied the same right. Why? **New Section Three** may hamper the ability of law enforcement agencies to carefully investigate the use of deadly force. There has also been no demonstration by the proponents of this bill why the ability of law enforcement agencies and district attorneys to investigate and prosecute are being curtailed and limited.

**New Section Four** would extend the presumptions in **New Section One** and the immunities in **New Section Three** to people using deadly force to prevent the commission of a "forcible felony". [p.3, l. 3.] "Forcible felony" is defined by K.S.A. 21-3110(8) to mean "any felony that involves the use or threat of physical force or violence against any person." [Suppl. 2004.] This proposal, therefore, would shield from arrest, custodial detention, and prosecution any one who involves themselves in a situation where they "reasonably" believe "a threat of physical force or violence" is occurring. If it becomes lawful to carry a concealed firearm in public, then this language could have "unintended consequences". The general public is not trained to accurately assess and deal with crime. This language has the distinct potential for encouraging the public to involve themselves in crime as it happens on the street, and great potential will exist for mistake, mishap and mayhem. More important, **New Section Four, Five** and **Six** could be used to shield a vigilante from arrest, detention and prosecution.

**New Section Five** would extend the presumptions in **New Section One** and the immunities in **New Section Three** to people using deadly force "to prevent the imminent commission of a forcible entry." [p. 3, l. 14.] This language vastly liberalizes the law of self-defense to include defense of personal property, or even the property of a stranger. The way the last clause of **New Section Five** is written, the person asserting self-defense would not even have to prove another person was in danger. As long as the defendant perceived that "forcible entry" into a backyard shed or a rusting car up on blocks was taking place - or he thought it was taking place - then deadly force could be used, and criminal and civil immunity would be extended. What better shield from interference by police would a neighborhood group of concealed weapon licensees need? It is irresponsible to enact legislation that could encourage vigilantism.

**New Section Six** makes even clearer that deadly force may be used only to defend property ("prevent or terminate an unlawful interference with property, other than a dwelling or occupied vehicle"). [p. 3, l. 21-22.] This grant of immunity is conditioned upon the defendant using "only such degree of force or threat thereof as a reasonable person would deem necessary to prevent or terminate the interference may intentionally be used." [p. 3, l. 245 - 27.] While this is proper language to include, we do not understand why this language is not included in **New Section Two**? But then subsection (b) is added to **New Section Six** thus creating confusion as to what exactly is intended to be addressed by this section.

In summary, without demonstrating why any of these changes are necessary, H.B. 2577 would vastly alter and change the law of self-defense. Safe State contends that too much potential for "unintended consequences" exists with these confusing proposals. The potential for harm is expanded when you consider that Kansans may soon become legally permitted to carry concealed weapons in their cars and in public venues.



League of Kansas Municipalities

To: Senate Federal and State Affairs Committee  
From: Kimberly Winn, Director of Policy Development & Communications  
Date: February 1, 2006  
Re: Opposition to SB 418

Thank you for the opportunity to appear before you today on behalf of the League of Kansas Municipalities and our 576 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 2006 *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 143 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 SB 418 in its current form:



- **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.** Page 7, New Section 10 of the bill lists a number of locations where carrying concealed weapons would not be allowed if this bill goes into effect. City hall is specifically mentioned in subsection (18). However, subsection (9) allows the State the ability to protect “any state office building.” Further, subsection (15) protects “any place where the carrying of firearms is prohibited by federal or state law.” 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. Basically, the State would have the authority to prohibit the carrying of firearms on nearly all state-owned or leased property.

We believe that city officials, our citizens, and our employees should be granted the same level of protection that has been granted to the State in this instance. Therefore, 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 SB 418 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 SB 418. 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.

41-152

# CHARTER,

OTHER POWERS,

# ORDINANCES

CITY OF LAWRENCE,

COMPILED BY ORDER OF THE CITY COUNCIL.

\_\_\_\_\_  
SAMUEL KIMBALL, Councilman, }  
E. V. BANKS, City Attorney, } Compiling Committee

LAWRENCE:  
LAWRENCE STATE JOURNAL STEAM POWER PRESS PRINT.  
1886.

NUISANCES.

147

[No. 34.]

An Ordinance Relating to Nuisances.

- |                             |                                 |
|-----------------------------|---------------------------------|
| 1. Deposit of dead animals. | 6. Removal of nuisances.        |
| 2. Refusal to remove.       | 7. Notice to abate.             |
| 3. Privies.                 | 8. Bathing in the Kaw.          |
| 4. Slaughter houses.        | 9. Discharging firearms.        |
| 5. Filth.                   | 10. Carrying concealed weapons. |

Be it ordained by the Mayor and Councilmen of the City of Lawrence:

SECTION 1. Any person who shall deposit, or cause to be deposited, any dead animal upon any ground within the limits of this city, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 2. Any person, the owner of any dead animal which shall be found lying upon any ground within the limits of this city, who shall neglect or refuse to remove the same within one day after notice to remove the same shall have been given by the marshal, shall be subject to a penalty of not less than five nor more than twenty-five dollars.

SEC. 3. The owner of any privy in this city, or the owner of any lot in this city, upon which any privy is or may be erected, which is or may become offensive to persons residing in the neighborhood, shall remove or cleanse, or cause the same to be removed or cleansed within five days after notice shall be served upon him by the city marshal to remove or cleanse the same; and any person who shall neglect or refuse to remove or cleanse any privy as aforesaid, shall be subject to a penalty of not less than five nor more than fifteen dollars.

SEC. 4. Any slaughter house which now is, or may hereafter be erected within the limits of this city, which is or shall become offensive to the inhabitants of the neighborhood, shall be removed out of the bounds of this city within ten days after notice shall be given to remove the same by the city marshal. Any person or persons, the owner or owners of any slaughter house, as above mentioned, who shall neglect or

refuse to remove the same within the time above specified, shall be subject to a penalty of not less than ten nor more than twenty-five dollars.

SEC. 5. Any person who shall deposit any excrement, or filth, or refuse, or any vegetable or animal matter, or any substance whatsoever, which is or may become offensive in any street or place within the limits of this city, shall be liable to a penalty of not less than two or more than ten dollars; and all persons who shall or may have deposited any excrement or filth, or refuse, or any vegetable or animal matter, as aforesaid, are required to remove the same within one day after receiving notice to remove the same, from the city marshal, under a penalty of not less than two nor more than five dollars.

SEC. 6. It shall be the duty of the city marshal, in all cases of nuisance committed under the provisions of this ordinance, where the offending party is not known, or cannot be found, to remove and abate, or cause to be removed or abated, all nuisances so committed within a reasonable time, at the expense of the city; and in all cases where such offending party is known or can be found, but who neglected or refuses to obey the provisions of this ordinance, the city marshal shall remove and abate, or cause to be removed and abated, such nuisances, at the cost and expense of the party so neglecting or refusing to abate or remove the same.

SEC. 7. The city marshal shall have authority to notify persons to abate and remove nuisances as described in sections two, three, four and five of this ordinance, only upon written complaint made of the existence and continuance of such nuisance, by two residents of the city.

SEC. 8. It shall be unlawful for any person between the hours of five o'clock, A. M., (forenoon) and sun set, to bathe in a state of nudity in the Kaw river within the limits of this city. Any person offending against the provisions of this section shall be fined not less than one dollar.

NUISANCES.

SEC. 9. Whoever shall, within the city, discharge any fire-arms, except by permission of the mayor, or when mustered for drill or review, or otherwise acting under the command or by permission of some commissioned officer, or except when done in self-defense, or for the protection of gardens from destructive animals, shall be, upon conviction thereof, fined not less than five dollars.

SEC. 10. Any person who shall in this city have or carry concealed or partially concealed, upon his person, any pistol, bowie knife or other deadly weapon, shall, on conviction, be fined not less than one nor more than ten dollars: *Provided*, This section shall not apply to peace officers of the city or state. The carrying of a weapon in a holster, exposed to full view, shall not be deemed a concealed or partially concealed weapon under this section.

S. K. HUSON, Mayor.

Approved, January 12, 1863.

[No. 35]

An Ordinance Amending "An Ordinance Relating to Nuisances."

Be it ordained by the Mayor and Councilmen of the City of Lawrence:

SECTION 1. That section seven of "An Ordinance relating to nuisances," approved, January 12, 1863, be and the same is hereby amended so as to read as follows: Section 7. The city marshal shall have authority and it shall be his duty to notify any and all persons whose duty it shall be so to do; to remove any nuisance or nuisances mentioned in said ordinance.

SEC. 2. That this ordinance shall be in force from its publication.

Approved, December 7, 1866.

Attest: W. H. R. LYKENS, Mayor.

H. O. SHOLES, City Clerk.



February 2, 2006

Mr. Pete Brungardt  
Senate Committee on Federal  
And State Affairs

I am writing on behalf of the City of Lenexa in opposition to Senate Bill 418 which supports the issue of State-wide Concealed Carry. This is an issue of great concern to this community regarding the safety of the citizens of Lenexa as well as that of the police officers who serve them. Lenexa's legislative platform supports the belief that laws governing citizens' rights to carry firearms should remain under local control, taking into consideration the significant variance in individual community standards, citizen opinions, and crime trends.

I am aware that a majority of states have adopted legislation permitting concealed carry and that there is support for SB 418 on both sides of the issue. The proponents feel strongly about a citizen's right to bear arms and the opponents feel strongly about issues of safety for citizens and law enforcement officers.

Simply stated, for an issue of this magnitude and with such profound potential impact on citizens, one size does not fit all in this State. Communities across Kansas vary greatly in numbers and types of crimes and in the impact that carrying concealed would have on citizens and police officers. After many years debating this issue I understand that it is nearly impossible to change opinions based on constitutional beliefs so what I will address in this document is the practical side of the issue and the very serious safety concerns this legislation presents to Kansas residents and law enforcement officers.

Although there are dozens of collateral issues, the primary problematic areas can best be examined by looking at the following:

- **Firearms training and safety**
- **Danger to law enforcement**
- **Impact on the community**
- **Cost and unreliable records**

### **Firearms training and safety**

Lenexa Police Officers, as all sworn Kansas officers, are required to undergo 560 hours of basic police training when they are hired which includes 40 hours of range training. This provides 16 hours of classroom training, 16 hours on a firearms training simulator covering judgment and decision making, and 8 hours on the firing range. When officers return to the police department for field training they undergo an additional 80 hours of firearms training which includes 40 hours of handgun training, 24 hours of rifle training and 16 hours of advanced firearms training which focuses on combat shooting, use of cover, shooting moving targets, and judgmental shooting. Firearms instructors also spend several hours covering topics such as the appropriate use of force, case law, and department firearms policy and procedure.

Annually, all sworn Lenexa officers are required to qualify twice with their duty weapon and once with the rifle and receive 5 hours of additional training.

Please take a moment and compare these arduous and continuous requirements placed on professional law enforcement officers to the requirement of only 8 hours for citizens (many of whom have never held a weapon). By statute these 8 hours must include instruction on safe storage of weapons, actual firing of weapons and instructions in the laws of the state covering the carrying of a concealed weapon, and the use of deadly force. Because this training will be a source of income for the private entities providing it, it follows that the minimum number of hours required (8) will be the standard to allow for maximum number of clients which translates into the maximum income derived.

The 8 hours of training proposed provides little time to achieve firing proficiency or to develop the control over the nervous system necessary for accuracy. Any shooting situation interrupts normal breathing, causes the hands to shake and floods the body with an over-load of adrenalin. All these are factors that interfere with maintaining control over the aim of the weapon. In only 8 hours there is no opportunity for the student to develop split second judgment which is vital to be able to shoot reliably and safely. Not only is it important to fire at what you are aiming at, but to know when that is justified, and to have the ability to instantly size up your surroundings, the presence of innocent targets, and all of the variables in the environment. If the State of Kansas demands that in order to conduct their duties safely, professional law enforcement officers need a minimum 120 hours of training, why should we feel comfortable letting citizens carry a firearm after just 8 hours of training?

I offer to the committee that there is no feasible or affordable plan that can realistically be initiated across the state to provide the training necessary to instill competency and sound judgment to citizens in such emergent situations. This lack of training this is a serious breach of safety to our State.

### **Danger to Law Enforcement**

Although we hear that crime rates in general are going down, the rate of violent crime is increasing. One such category of crime is the murder of law enforcement officers.

The Law Enforcement Officers Killed and Assaulted report, published by the FBI 2004, shows that:

- **57 officers were killed in the United States**
- **54 were killed with firearms (rifles, shotguns)**
- **Of those 54, 36 were killed with handguns**

In total during the years 1995 to 2004:

- **594 officers were killed, not including the 72 who died at the World Trade Center**
- **545 were killed with firearms.**
- **396 were killed with handguns**
- **54 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:

- **696 known assailants were arrested**
- **538 (67%) of those arrested had a prior criminal arrest**
- **393 (47%) of those arrested had a prior criminal conviction**
- **242 (34%) were under the influence of alcohol or drugs or in possession of drugs**

SB 418 uses the standard of conviction for the basis of denying a license to carry. That means that 303 (43%) of the individuals who were arrested for killing a police officer would have met the requirements to obtain a concealed carry license in this state under the standards of SB 418.

Law enforcement officers realize that they may face many dangers in the line of duty. Enacting this legislation would make it more difficult for them to recognize and deal effectively with a deadly threat. Currently, if they observe an individual carrying concealed they can accurately assess that as a credible threat and react accordingly. If carrying concealed becomes the standard, officers would not have that advantage. Conversely they would need to assume that the individual was merely a citizen carrying legally; a potentially fatal mistake as the numbers above indicate.



### **Impact on the community**

Local control provides the opportunity to craft legislation that directly addresses the needs and popular opinions of individual communities. District 30 Representative David Huff conducted a survey before the 2005-2006 session and of the 314 surveys that have been reviewed at this point, Lenexa residents responded 71.54% against and 28.46% for concealed carry. The City of Lenexa feels strongly that we should be responsive to the concerns of Lenexa residents. In Lenexa in 2005, 45 handguns and 25 long guns were taken from individuals who possessed/used them illegally. As weapons crimes occur more frequently in some municipalities, citizens have the right to legislation that allows their local law enforcement to assess and exercise the most effective way to control weapons crimes and improve the safety of the citizens.

### **Cost and reliability**

There would be costs associated with this legislation that would not be covered by the fees. 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. Many such establishments will want to erect signage and take measures to restrict firearms from their premises. Law enforcement resources will be called upon to enforce these issues and mediate situations that will occur when a proprietor says leave it at the door and the patron does not want to comply. This is a costly and potentially dangerous drain on police department resources.

Another concern is that when entering one of the establishments that prohibit weapons, a person who was licensed to carry concealed would have three options. Do not go into the establishment at all, go in anyway in violation of the prohibition, or leave their weapon in their vehicle. Last year in Lenexa there were 361 reported auto burglaries, the majority occurred in commercial parking lots. This legislation has the potential to put several hundred guns a year in the hands of individuals who gained control over them during the commission of a serious crime.

Additionally, it is anticipated that courts and other municipal facilities would find it necessary to install metal detection equipment in order to ensure compliance with restrictions. A quick survey of metal detectors on the market shows that the cost for equipment averages just over \$30,000. This is a small cost compared to re-modeling these facilities to provide required security and for hiring personnel to monitor the entrance.

The application of checking the proposed records through KDOR is impractical and unrealistic. The legislation calls for the concealed carry license to be associated with the Kansas driver's license or Kansas ID card system. It would be extremely important that this system 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.

More critically, there is simply no way to ensure that the applicant meets the other requirements. How do you verify that as SB 418 reads, the applicant has not been during the five years immediately preceding the date the application is submitted: a mentally ill person or involuntary patient, committed for the abuse of a controlled substance, committed for the abuse of alcohol etc. There simply is no available database containing that information. Similar data was required as part of the Brady Bill before approving the purchase of a handgun and everyone associated with that process knows that information is simply not on file or available.

The lives of officers and Kansas citizens and the integrity of the process should not rely on a system that cannot be kept up to date and information that cannot be obtained from any source.

### **Summary**

Supporters of SB 418 advise that passage will make Kansas a safer state. I ask that before passing legislation that has the capability of placing a deadly weapon in the hands of novices, you take into consideration the 120 training hours that professional law enforcement officers devote to gain entry level competency that enables them to make split second decisions involving life and death judgment, maintain control over the physical complexities of a gun battle, and maintain the precision accuracy necessary to engage the correct target. Then I ask you to position all that against the bare bones 8 hour training program this bill provides for. Look closely at the risk this bill creates for law enforcement officers, weigh the elimination of the voice of local constituents speaking to what is best for their unique community, gage the costs to communities of all sizes, and finally contemplate the lack of reliable records checks and vital information that come with this bill. These factors provide a sound basis for not supporting SB 418.

On behalf of the City of Lenexa, thank you for your consideration.

Ellen T. Hanson  
Chief of Police



The City of  
**Overland  
Park**  
KANSAS

8500 Santa Fe Drive  
Overland Park, Kansas 66212  
• Fax: 913-895-5003  
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Testimony Before The  
Senate Federal and State Affairs Committee  
By Lt. Col. Keith Faddis  
Regarding Senate Bill 418  
February 2, 2006

I am writing on behalf of the City of Overland Park in opposition to Senate Bill 418. 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 2004 has some significant statistics I would like to point out. In 2004,

- 57 officers were killed in the United States
- 54 were killed with firearms (rifles, shotguns)
- Of those 54, 36 were killed with handguns

A review of the years 1995 to 2004 revealed significant facts:

- 594 officers were killed, not including the 72 who died at the World Trade Center
- 545 were killed with firearms.
- 396 were killed with handguns
- 54 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:

- 696 known assailants were arrested
- 538 (67%) of those arrested had a prior criminal arrest
- 393 (47%) of those arrested had a prior criminal conviction

- 242 (34%) were under the influence of alcohol or drugs or in possession of drugs

Using the standard of conviction for the basis of denying a license, 303 (43%) 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. Overland Park is currently making modifications to the Municipal Court to install metal detectors, hire personnel and make necessary modifications to the building for security purposes. The costs for the screening equipment are \$32,000 and the personnel costs will be \$140,000 per year.

The legislation calls for the concealed carry license to be associated with the Kansas driver's license or Kansas ID card 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, 54 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. According to FBI statistics, of the 594 officers killed in the line of duty between 1995 and 2004, 296 "did not use or attempt to use own weapon". From my own experience answering a cell phone is similar to using a concealed weapon. When the phone rings you must identify it as your ring, (identify the threat) then you must locate the phone. Is it in a purse, belt clip or briefcase? (react to the threat) How quickly can you retrieve it, push the answer button and get it to your ear? (take action). Now do all of this while you fear for your safety and the stress levels are higher than you have ever known.

### **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 771 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. In the period 1995 to 2004, 268 of the officers killed were within 5 feet of their assailant.

If you believe that SB 418 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 SB 418 favorably for passage.



LEGISLATIVE TESTIMONY

February 2, 2006

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

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

RE: SB 418- Licensing to carry concealed firearms

Thank you for the opportunity to offer testimony in opposition to SB 418, which would allow citizens to carry concealed firearms in Kansas. The Overland Park Chamber of Commerce has approximately 1000 member businesses, and has a long-standing position opposing concealed carry because of the increased risks that would be passed on to our businesses and citizens.

The concept of SB 418 is not new to the Chamber or anyone on this committee. The issue of concealed carry has been approved by the Legislature twice in recent years, but has been vetoed by Governors Bill Graves and Kathleen Sebelius. The Chamber has offered testimony in opposition to concealed carry on multiple occasions, primarily based upon the concern of our members for their businesses and the negative influence on our quality of life.

The right to own firearms is a fundamental for American citizens, protected by the Second Amendment of the United States Constitution. However, the fundamental right to own firearms contained in the Constitution does not go so far as to impose a burden upon other citizens. The Chamber supports the right of American citizen's to own weapons, but believes that a change to Kansas law that would allow concealed carry would have serious consequences. The advantages of today's technology allow for a variety of personal protective devices that avoid the possibility of a fatal outcome. Passage of this legislation will almost certainly guarantee an increased risk of injuries and accidental shootings.

There are also specific provisions contained in SB 418 that the Chamber would request this committee to consider amending, if the majority chooses to forward this legislation onto the Senate floor. The most concerning aspect of SB 418 is the lack of protection afforded to our business owners. Certainly no one on this committee would believe that a person's right to carry a firearm trumps the right of a business or homeowner to control their own establishment or home.

The penalties contained in New Section 11 do not afford enough protections to business owners to protect themselves or their customers. If SB 418 were to pass, the penalty for ignoring posted signs in businesses should be more severe. The Chamber would also request that more training is needed than a single eight-hour class.

Thank you for your consideration on this issue and the opportunity to offer testimony at today's hearing opposing SB 418.





# Testimony

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

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

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## Senate Bill 418 Personal and Family Protection Act

Delivered February 2, 2006  
Senate Federal and State Affairs Committee

The Unified Government of Wyandotte County/Kansas City, Kansas opposes Senate Bill 418.

The 2006 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 2006 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.

Senate Bill 418 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, Senate Bill 418 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, Senate Bill 418 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.

Sen Fed & State Affairs  
2-2-06  
Attachment 13

Testimony to Senate Federal and State Affairs Committee  
on behalf of Greater Kansas City Chamber of Commerce  
Robert J. Vancrum, Government Affairs Specialist  
Relating to Senate Bill 418

Chairman Brungardt and Honorable Members of the Committee:

Our Greater Kansas City Chamber which represents over 3,000 members in Kansas has adopted a Kansas legislative affairs platform which will support reasonable concealed carry laws so long as the guns are not permitted in high risk areas such as schools, hospitals, jails, etc. and so long as there are other reasonable provisions allowing business owners control over their private premises.

I would commend the draftsman and proponents of this particular measure in that they have met many of the objections that our Chamber and others have raised to previous concealed carry measures. The laundry list of exemptions in new Section 10 is a big help, though I don't see hospitals covered. Obviously, emergency rooms of hospitals have been the scene of gun play where innocent bystanders and even doctors have been killed. I recall one incident in which members of rival gangs got into a real "Gun Fight at OK Corral" in the emergency room of a local hospital and some innocent medical providers lost their lives.

Rather than using a long list of exemptions where you are nearly certain to have omitted premises that you are not thinking about (another apparently omitted category is private clubs, card clubs and restaurant bars that do not qualify as drinking establishments), wouldn't it make more sense to simply allow the owner of the private property to determine when they want to allow patrons, guests and invitees to carry concealed weapons on the premises. When I have traveled in Colorado, New Mexico and elsewhere I have often seen signs asking visitors to check their weapons at the door.

Obviously, the question of when a property owner's constitutional right to control activities on his premises should take precedence over their visitors' claimed right to bear arms is something on which we can reasonably disagree.

I would, however, respectfully suggest the property owners should be given some say in the matter.

Please contact me at any time with any questions.



**PEACE AND SOCIAL JUSTICE CENTER**

**of South Central Kansas**

**1407 N. Topeka, Wichita, KS 67214**

**Phone/Fax: 316-263-5886**

**E-Mail: [staff@wichitapeace.org](mailto:staff@wichitapeace.org)**

**Web: [www.wichitapeace.org](http://www.wichitapeace.org)**

January 31, 2006

Senate Federal and State Affairs Committee

RE: SB418


Dear Senate Committee Members:

We are an organization in south central Kansas representing over 500 concerned citizens working to reduce the amount of violence used in our community including the incidences of domestic violence.

Making hand guns more readily available will do absolutely nothing to reduce the use of deadly force. It will, in fact, increase the likelihood that extreme violence will be used in situations that do not now call of it.

We stand on opposition to SB418, and call for your support by voting against this bill.

Sincerely



Horace Santry  
Executive Director



# Fairmount United Church of Christ

(Congregational)

1650 FAIRMOUNT  
WICHITA, KANSAS 67208-1915  
Telephone: (316) 682-1597  
Fax: (316) 682-2335

February 1, 2006

To Whom It May Concern:

I write this letter as a citizen of Sedgwick County, Kansas, and as a pastor of Fairmount United Church of Christ here in Wichita. **I oppose concealed carry legislation**, it is that simple and that clear. However, for emphasis I list below some of my reasons:

- *Crime rates now are lower than the last time Kansas rejected a concealed weapons bill. Why do we need such a radical and risky law?*
- *How can concealed weapons be too dangerous to be permitted inside the Capitol, yet be safe inside a hospital or day care center? The entire state should be a No Gun Zone.*
- *Background checks are imperfect and can't predict the future. Timothy McVeigh was issued a New York concealed weapon permit. He had the permit and concealed guns when he was arrested for the OKC bombing.*
- *Kansans don't want concealed weapons on the street. A 1997 K-State study showed Kansans 68% opposed to concealed weapons. Angry motorists and loaded weapons don't mix.*
- *In Texas, thousands of concealed weapon permit holders committed violent crimes with their concealed weapons, including murder, rape, and impersonating a police officer. Carrying loaded weapons in public increases crime.*
- *It makes no sense that legislators prohibit concealed weapons at the Capitol, yet approve guns in taverns, churches and casinos. The entire state should be a No Gun Zone.*
- *How can concealed weapons be too dangerous for where legislators work, but be safe enough to be allowed where I work? Concealed weapons should be banned everywhere.*

Please oppose concealed carry legislation. Thank you.

*Rev. Michael Poage*  
Rev. Michael Poage, Pastor, Fairmount United Church of Christ



LEAGUE OF WOMEN VOTERS® OF KANSAS

(17)

February 2, 2006

The Honorable Pete Brungardt, Chair  
Federal and State Affairs Committee  
The Kansas Senate

*President*  
Janis McMillen  
Overland Park

*1st Vice President*  
Sharon Ailslieger  
Wichita

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Linda Johnson  
Manhattan

Bob Kruh  
Manhattan

Carrie Moore  
Lawrence

Bill Powell  
Salina

Chairman Brungardt and members of the Committee:

The League of Women Voters of Kansas, with a state-wide membership of about 800, wishes to go on record as opposing SB 418. In brief, the position of the League of Women Voters of the United States says:

The League of Women Voters of the United States believes that the proliferation of handguns and semi-automatic assault weapons in the United States is a major health and safety threat to its citizens.

The League supports licensing procedures for gun ownership for private citizens to include a waiting period for background checks, personal identity verification, gun safety education and annual license renewal. The license fee should be adequate to bear the cost of education and verification.

The League acknowledges that the U.S. Supreme Court and the lower federal courts have ruled consistently that the Second Amendment confers a right to keep and bear arms only in connection with service in a well-regulated militia – known today as the National Guard.

At issue is the safety and security of our citizenry. The proliferation of weapons, and particularly concealed weapons, for personal use puts families, adults and children in an unsafe and threatening environment. SB 418 would do nothing to ameliorate this concern, as it omits significant public buildings, such as hospitals and places of worship, where the carry of concealed weapons would be unlawful.

Kansans, even recognizing they are one of few states without laws permitting concealed carry, have shown minimal interest in having a concealed carry law since the previous administration negated the enactment of such a law the mid 1990s. Considering any citizen who wishes can obtain a permit to carry a weapon, what possible advantage can be realized by concealing that weapon? Unfortunately, our society is no longer “a kinder and gentler nation”, and it is imperative that we do everything possible to reverse the trend of increasing violence in our society. Permitting concealed carry would be a step in the wrong direction.



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

Mark Desetti, testimony  
Senate Committee on Federal and State Affairs  
February 2, 2006  
Senate Bill 418

Mr. Chairman, members of the committee, thank you for the opportunity to share testimony on **Senate Bill 418** 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.

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? Would firearms be prohibited on school field trips? 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. **The Kansas Association of School Boards joins Kansas NEA in asking that you add to section 10 a prohibition on carrying concealed weapons to any school, community college, college, or university sponsored activity.**

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? And finally, firearms are not prohibited in licensed child care facilities. Child care facilities are full of children and must be protected from the possibility of accidental shootings. Kansas NEA believes that firearms should not be allowed in those places where children congregate. For that reason we would like to see a prohibition on carrying firearms in child care facilities and religious facilities.

Subsection (b) of section 10 classifies carrying a weapon into a school or to a school athletic event as a Class A misdemeanor. The penalty is a fine of up to \$2500 and up to one year in a 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 acknowledge that this license would be granted only to law abiding citizens and what is wrong with letting law abiding citizens carry weapons. Everyone in our prisons was at one time a law abiding citizen. What caused each of them to choose to break the law? What made them go from law abiding citizen to criminal? In some cases it has been anger at a coach or teacher or reporter. In some cases it has been a domestic dispute. We simply must do everything we can to not let these disputes come to our children.

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 up to a year for a firearm? When it comes to protecting our schools, we must have zero tolerance for firearms. Anything less is truly criminal.