

STATE OF KANSAS
HOUSE OF REPRESENTATIVES



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REBECCA SCHMOE
59TH DISTRICT

Federal and State Affairs Committee, 346-S
Testimony HCR 5020

Representative Rebecca Schmoe, proponent

Mr. Chairman, Vice Chair, Ranking Member, and Members of the Committee

The addition of this clarifying language to the Kansas Constitution does not necessarily expand gun rights, because under both the 2nd Amendment of the US Constitution and our own Section 4 we already have these rights. What it does is restrict avenues of infringement, now, and for generations to come. Saving a substantial amount of time and taxpayer money spent in legislation and litigation.

Legislative opponents of this resolution have told the press that, "This amendment would be a disaster for public safety." To which I ask, are you expecting a disaster the size you predicted and didn't happen with concealed carry, constitutional carry, campus carry, 18 to 20-year-olds, or removal of the state fee for concealed carry? Each time we discuss responsible Kansas gun owners you predict rivers of blood, parking lot standoffs, and general murder and mayhem erupting across the state. How many times must Kansans prove that narrative to be, not only false, but slanderous to their good name and reputation before you stop actively seeking out ways to chip away at the free exercise of their inherent right to self-defense?

The clarifying language offered in this amendment is not partisan. The Second Amendment, and our own Section 4 in the Kansas Constitution, is not partisan, no matter how much effort is put into trying to learn new avenues of infringement in DC or at Bloomberg funded meetings. The Second is for everyone, regardless of race, religion, gender, or any of the other category boxes used to separate and divide us as Americans. It is for you even if you currently choose not to exercise it. It is to be protected, in its entirety, for such a time when you might. That is all this clarifying language does. It doesn't give us more rights, these rights already exist, they already belong to every Kansan. The Supreme Court upholds that these rights exist. Yet we see attack after attack on these rights across the nation whether in the form of stating that ammunition is a privilege, or deciding how many rounds you are allowed in an attack regardless of if it is one bad guy or six who burst through your door. We are not immune to attacks on our rights even here in Kansas. For example, last year on the House Floor, we were discussing removal of the state fee being charged to exercise a natural right and the fee bill was attacked four times with proposed infringement via restrictions on that natural right which had nothing to do with the fee or the impact of its removal. We have spent far too much time and taxpayer money in legislation and litigation over these attacks on our natural rights over the years. The clarification in this amendment will help mitigate the amount of the people's time and money we waste moving forward.

Fellow Representatives, this is our opportunity as legislators to step out of the way and allow Kansans to have their own voice and vote on what they want their State Constitution to say regarding their right to keep and bear arms. They get to decide if they want to add possession and use of ammunition, firearm accessories and firearm components. They get to decide if they want to tie in the Federal wording Shall not be Infringed. They get to decide if they want to set up the strict scrutiny standard, the highest standard a court can use, which is the same standard we use for determining infringement on our First Amendment protected rights.

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It is unconscionable that a legislator, regardless of party or district, regardless of personal opinion on guns or gun owners, regardless of election year or not, would stand in the way, proving that they do not trust the people of Kansas to vote as they would deem “correctly.” For anyone who is opposed to putting this to a general election vote, I ask, what are you scared of? What makes you nervous about Kansans making their own decisions regarding their own state constitution? What makes you feel like you must hold their hand and be the gatekeeper on this topic? Why do you not trust your constituents? And if you do not trust your constituents, why should they trust you? I will remind you that a vote to add this constitutional amendment to the ballot is not a vote in favor of the amendment, but a vote in favor of allowing all voting Kansans to have the opportunity for their vote to count as equal to yours.

This amendment is not party line partisan as so many that we see here in the Legislature are. However, it does cut a deep divide over which legislators trust that their constituents are capable of making decisions on their own about their state constitution and which do not. I ask you to step out of the way and trust the people of Kansas.

Thank you, Mr. Chairman.

In service and liberty,

Rebecca Schmoe

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