

Kansas House of Representatives

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Testimony for HB2055
The Second Amendment Protection Act
February 21th, 2013

Chairman and members of the Federal and State Affairs Committee,

I apologize for not testifying during the Hearing of HB2055. I was unable to attend due to obligations on other committees that I vice-chair. This is a very important bill to me however, so I respectfully submit my commentary to you today. I know this is a tough but certainly a critically important topic and I trust that you will make the right decisions today.

As you probably already know, I am a proponent of House Bill Number 2055. I voted for the provisions relating to the public building security last year. The driving principle behind my decision to support this is again the Constitution. The Kansas Constitution speaks especially to the right of individuals to defend themselves. We should therefore accept the fact that there are three distinct positions that are acceptable. 1) Allow people to exercise their God-given Constitutional right to protect themselves to the fullest extent, 2) accept responsibility for citizens by creating real gun free/weapon free zones to ensure everyone remains on the same playing field or 3) accept responsibility and liability for others' safety if the government by policy creates dangerous situations where citizens cannot effectively protect themselves as a result of these restrictive policies while these laws are ignored by law-breakers. I believe the evidence is solidly on the side of law-abiding gun owners who have consistently demonstrated responsibility against people who disregard the law. Those that oppose this, undervalue the importance of the Constitution and disregard our responsibility to ensure people are able to defend themselves according to that foundational principle. This position is driven by fear and not fact.

One of the provisions in this bill relates to the open carry restrictions created by local jurisdictions. We have a complex patchwork of firearms laws now. As you may know by now, there are several cases pending and there are recent Attorney General Opinions relating to open carry restrictions. It seems municipalities are trying to find a way to make local restrictions but these are fundamentally flawed. (Recent lawsuits were filed

against Kansas City, Leawood, and Prairie Village as a result of the fact that they have disregarded State law and two Attorney General's opinions regarding Open Carry. Those AG Opinions are clear that open carry cannot be prohibited yet there are jurisdictions with ordinances knowingly prohibiting open carry). The principle is, smaller units of government cannot restrict and regulate Constitutional rights.

We would all quickly agree that other amendments in the Constitution are not able to be restricted or regulated by city ordinances so why do we accept the idea that the right to bear arms should be different? If we accept this premise, I do not know what is a guaranteed right. The effect of this acceptance is a fear of Law Abiding gun owners to not exercise their rights because they are not confident they really know the law. If I choose to go from my home in Derby across the state, if I wanted to exercise my right to the fullest degree, my limits will vary as I cross the state. That is a problem! So the natural response is to not even start because I do not want to be accused of breaking the law in any way, especially if that accusation is related to firearms. This accusation can follow us to our grave and can limit us in employment or other aspects of our life. Therefore, I believe the law as it relates to firearms should be consistent across the entire state. This way, law-abiding gun owners may know the law and confidently exercise their rights to the fullest extent. It is our job to defend the Constitution so this is the logical and reasonable position for us today.

The final part of this bill relates to Corrections Officers and Parole Officers. These people wear a uniform and carry a firearm. They have demonstrated that they know the law and they know how to handle a firearm safely. They should be afforded the same exemption from training classes as are given to Law Enforcement. We believe this is simply a fair and equitable measure because they have already received similar training in the course of their employment.

I encourage you to pass HB2055.

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