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**Testimony to the House Federal and State Affairs Committee
In Support of SB479
March 15, 2016**

Rep. Jan Pauls, Chair, and Committee Members,

Our associations ask for your support of SB479. Our intent in requesting this bill is not to expand any existing prohibition to the possession of a firearm but to provide statutory authority to charge violators of four existing prohibitions under federal law which we cannot charge under existing state law. Those four prohibitions include conviction for

1. a misdemeanor domestic violence conviction (felony convictions are already covered in KSA 21-6304 Criminal possession of a firearm by a convicted felon;
2. prohibitions based on a court order such as protection from abuse order but only after the defendant has had the opportunity to be heard by the court (i.e. excludes temporary orders issued pending a hearing);
3. persons in the country illegally; and
4. possession of a firearm while a fugitive from justice.

Our purpose is to assure there are state criminal charges we can file for “bad actors” carrying firearms.

In SB45 passed last year, the statutes were amended in several places prohibiting carrying a firearm if “prohibited by state or federal law.” That phrase was only included in the criminal law amendments applying to possession of firearms on K-12 school grounds [KSA 21-6301 (a)(11)] and in buildings in the capitol complex or certain other government buildings [KSA 21-6309]. In reviewing the state and federal prohibitions, we found the four federal prohibitions listed above were not listed in state law. While there are other federal prohibitions not in state law, these four are the ones we most commonly encounter and some would create a conflict within state statutes if adopted as provided in federal law.

It is our intent with this bill to not impose or create any new restriction on law abiding citizens who would not be prohibited under current law. Law enforcement needs these tools to be able to enforce what appears to be the legislative intent of the bill passed last year. The ability to charge these crimes will also promote public safety, especially in the area of domestic violence; and officer safety as we deal with persons who know they are a fugitive from justice.

We have reviewed these provisions with both the National Rifle Association and the Kansas Rifle Association.

We ask you to recommend SB479 favorable for passage.

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