

Dana Rooney

From: Ed Klumpp <eklumpp@cox.net>
Sent: Wednesday, March 16, 2016 8:25 AM
To: Dana Rooney
Subject: FW: SB479 Additional Information

Please let me know if you get this okay.

Thanks.

Ed Klumpp

From: Ed Klumpp [mailto:eklumpp@cox.net]
Sent: Wednesday, March 16, 2016 5:31 AM
To: steven.becker@house.ks.gov; john.bradford@house.ks.gov; stephanie.clayton@house.ks.gov; susan.concannon@house.ks.gov; pete.degraaf@house.ks.gov; bud.estes@house.ks.gov; john.ewy@house.ks.gov; lane.hemsley@house.ks.gov; broderick.henderson@house.ks.gov; brett.hildabrand@house.ks.gov; don.hineman@house.ks.gov; michael.houser@house.ks.gov; dick.jones@house.ks.gov; nancy.lusk@house.ks.gov; jan.pauls@house.ks.gov; marty.read@house.ks.gov; joseph.scapa@house.ks.gov; ben.scott@house.ks.gov; james.todd@house.ks.gov; kristey.williams@house.ks.gov; valdenia.winn@house.ks.gov
Cc: Dana.Rooney@house.ks.gov; Joanna.Dolan@klrd.ks.gov; Natalie.Nelson@klrd.ks.gov; Kyle.Hamilton@rs.ks.gov; Jason.Long@rs.ks.gov; Mike.Heim@rs.ks.gov+D2D2D2:D28
Subject: SB479 Additional Information

House Federal and State Affairs Committee members,

Several of you have asked me questions subsequent to the informational hearing yesterday that I am responding to. Two key points about SB479:

1. Prior to going to the revisor and again after receiving the revisor's draft, and before requesting the bill in the Senate Federal and State Affairs committee, we contacted the NRA through Travis Couture-Lovelady and contacted Kathleen Wade of the Kansas Rifle Association. Both associations gave their blessings to the bill proposal. In addition, Travis had the NRA attorneys review both the original draft and the final revisor draft and we were given their green light on the contents. Finally, when the proposal was made to ask the House committee to consider adding the provisions to SB65 I again went to both rifle associations and received their okay before appearing before the committee yesterday.
2. All four of the additional items we are requesting to be added to state law are currently prohibited by federal law. It is our belief application of these prohibitors was intended in the passage of SB45 last year since that bill included language such as "unless otherwise prohibited by state or federal law" in several areas of the bill. I have included a copy of that federal law at the end of this e-mail. SB479 does not create any prohibition that does not exist in law today. We are merely asking for an enforcement mechanism for these crimes under state law.

Here is the federal law the four provisions are based on:

Quoted directly from 18 USC Section 922 Subsection (g) as in effect June 2, 2015

Source: <http://uscode.house.gov>

(g) It shall be unlawful for any person-

- (1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;
- (2) who is a fugitive from justice;

- (3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
- (4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
- (5) **who, being an alien-**
 - (A) is illegally or unlawfully in the United States; or**
 - (B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));**
- (6) who has been discharged from the Armed Forces under dishonorable conditions;
- (7) who, having been a citizen of the United States, has renounced his citizenship;
- (8) **who is subject to a court order that-**
 - (A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;**
 - (B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and**
 - (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or**
 - (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or**
- (9) **who has been convicted in any court of a misdemeanor crime of domestic violence,**

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

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