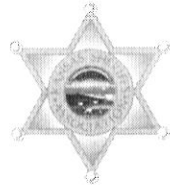




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**Testimony to the Senate Federal and State Affairs Committee
Neutral Testimony on SB254 – Criminal Use of Weapons
June 2, 2017**

Chairman Estes and Committee Members,

Our associations are neutral on the original content of SB254. The reason for our testimony is to ask your consideration to add provisions from HB2145 to SB254. HB2145 makes amendments to the same statute as SB254 and is on House General Orders after passing from the House Federal and State Affairs Committee. It is the same bill as 2016 SB479 which passed out of Senate Federal and State Affairs late last year. It has some minor modifications to address some House members concerns last year. We have worked with both the National Rifle Association and the Kansas Rifle Association in development of the original bill last year and the modifications made in the House.

We are asking for your consideration to amend SB254 with the addition of the contents of HB2145.

Our intent in requesting this amendment with the provisions of HB2145 is not to expand any existing prohibition to the possession of a firearm but to provide statutory authority for state charges for violations of four existing prohibitions under federal law which we cannot currently 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.

Law enforcement needs these tools to be able to enforce what appears to be the legislative intent of previously passed legislation. 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 ask you to make this amendment to SB254 and recommend it favorable for passage.

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