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**Testimony to the Senate Federal and State Affairs Committee
In Support of HB2145 – Possession of Firearms by Certain Prohibited Persons**

February 13, 2018

Chairman Estes and Committee Members,

Our associations ask for your support of HB2145. This is the same bill that passed this Senate Committee in 2016 SB479, but with some minor amendments the House committee suggested last year.

Our intent in requesting this bill 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.

In SB45 passed in 2015, 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.

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. It will also support officer safety.

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

We ask you to recommend HB2145 favorable for passage.

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