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**Testimony in Support of Senate Bill 534
Reduce Armed Violence Act**

**Presented to the Senate Committee on the Judiciary
By Kansas Attorney General Derek Schmidt**

March 8, 2022

Chair Warren and Members of the Committee:

Thank you for the opportunity to testify in support of Senate Bill 534, which would enact the Reduce Armed Violence Act.

The purpose of Senate Bill 534 is to focus intently on a particularly group of offenders who are a persistent threat to public safety in our communities – convicted felons who already have been given a second chance and who nonetheless arm themselves illegally with firearms and proceed to commit new, violent felonies. That is a group of persons for whom imprisonment is appropriate. This proposal addresses gun violence in our communities by focusing specifically on the misbehavior of convicted felons who repeatedly misuse firearms to commit violent crimes.

Over the past two years, across the country, violent crime rates have hit levels not seen in decades. Unfortunately, Kansas has not escaped this trend. In 2020, the Kansas Bureau of Investigation Crime Index showed that 193 murders occurred – a rate 43% above the 10-year average. Overall, violent offenses were 24.4% above the 10-yr average. Complete statistics for 2021 have not yet been released, however, the KBI has shared the preliminary number with me showing 147 homicides occurred last year.

When I've visited with law enforcement and prosecutors about addressing this violence, time and again they have told me that one of the preliminary drivers of these numbers is that felons – who are prohibited from lawfully possessing firearms – are often reoffending and committing new, violent crimes using the very weapons they are prohibited from possessing.

The reason for this is that these felons know that, under current law, the penalty for criminal possession of a firearm by a felon is probation in most circumstances – there is no added consequence to illegally carrying a gun while committing a new, violent felony. This needs to change.

In recent years much criminal justice reform discussion has centered around finding ways to reduce our prison population and redirect some offenders to addiction or mental health services to treat the underlying conditions that led to their incarceration. I applaud these efforts and was proud to serve as an *ex officio* member of the Kansas Criminal Justice Reform Commission that took up these issues. And I was happy to lead the charge for building specialized drug treatment capacity within the Department of Corrections. However, as these efforts have led to appropriate individuals being redirected out of the general prison population, we know there are individuals who are being released into our communities who commit new, violent crimes with firearms who need to be removed from our communities to prevent more Kansans from becoming victims of their violence.

The bill before you today would do just that, by making the existing crime of criminal possession of a firearm by a felon a presumptive prison sentence, which must be served consecutively to any other sentence the offender receives, if the felon illegally possesses the firearm while committing a violent felony. In practical terms, this measure will result in an additional seven to 23 months of prison time for these offenders, depending on their criminal histories. That is additional time these offenders are not released into Kansas communities posing a risk of further violence. More importantly, I am hopeful that the threat of this additional prison time will also serve as a deterrent to convicted felons – knowing that carrying a weapon they are prohibited from possessing will no longer result in a slap on the wrist.

Thank you for your consideration of this legislation and your ongoing work to make our Kansas communities safer.

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