



KANSAS STATE RIFLE ASSOCIATION

✉ Info@KansasRifle.org ☎ (913) 608-1910
✉ PO Box 8760, Topeka, KS 66608

Chairman Carpenter and Members of the Committee:

Thank you for the opportunity to provide testimony in support of HCR 5020; Proposing a constitutional amendment to amend section 4 of the Kansas bill of rights to recognize the right to bear arms as a fundamental right.

Firearms are used by law-abiding Americans for personal protection on a regular basis, with estimates ranging from 500,000 to more than 3 million occurrences each year.¹ Neither of which is a small number.

Following the *Heller* ruling by the U.S. Supreme Court in 2008 recognizing that the right to keep and bear arms was an individual right, the Kansas Legislature went right to work ensuring that Kansans enjoyed similar protections under state law. To achieve that goal, the Kansas Constitution was amended in 2010 to include some of the best protections at the time for the individual right to keep and bear arms.

The 2010 amendment saw overwhelming support from individuals on both sides of the aisle, with the resolution passing the Senate in 2009 on a vote of 39 to 1, and the House on a vote of 116 to 9. The November 2, 2010 election resulted in a landslide victory where the measure was approved with 88.2% of the vote.

Since 2010, the legal protections for our Second Amendment freedoms have received further clarification, with the U.S. Supreme Court ruling in *Bruen* that when the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. Under the *Bruen* standard, to justify a firearm regulation, the government must demonstrate that the regulation is consistent with the nation's historical tradition of firearm regulation.

Unfortunately, even with the clarity provided in *Bruen* and previous cases, the outrageous attempts to chip away at the rights of law-abiding firearm owners have continued across much of the country, with gun control advocates still actively targeting many of the most common firearms used for self defense through bans and onerous restrictions on ammunition, popular accessories, and even standard capacity magazines shipped with many rifles and handguns on the market today.

On January 11, it was reported that legislation in Washington State had been introduced to create a new tax for 'the privilege of using ammunition'. The U.S. Congress has, on at least two occasions in as many years, been presented with proposals to tack on 1,000% excise taxes on many popular firearms and components – turning the purchase of a \$500 handgun into a costly \$5,000 endeavor that would effectively put the tools of self defense out of reach for nearly all low-income and middle-class Americans.

Proposals like these are indicative of the kind of attacks we should expect to see brought forward here in Kansas if we fall into complacency and assume our freedoms are already secure.

Few Kansans today would agree with the extreme gun control sentiments coming out of Washington State, Washington, D.C., or various other jurisdictions across the country so it is simply common sense to add clarifying language to section 4 of the Kansas bill of rights stating in clear text what has always been the case – that ammunition, firearm components, and accessories are all absolutely essential to the exercise of the Second Amendment as written and must be protected as such.

When Kansans in the future almost inevitably suffer from the kind of outrageous attacks on freedom we're currently seeing elsewhere, the straightforward Constitutional amendment proposed by HCR 5020 will ensure that the legal standard of strict scrutiny is applied in cases where an infringement on Second Amendment freedoms is challenged in state court, and will guarantee clear recourse to correct those wrongs through our own state's legal system.

It's time for Kansas to join the four other states that already provide strict scrutiny protections to their citizens by passing this Constitutional amendment.

Nearly 15 years ago, this body took decisive action to enshrine protections in our Kansas Constitution of rights recognized by the U.S. Supreme Court in the landmark *Heller* decision. Today, in response to the *Bruen* decision, you have a nearly identical chance to further protect the rights of your constituents. On behalf of the Kansas State Rifle Association, I urge you to do so.

The Kansas State Rifle Association strongly urges the Committee to report HCR 5020 favorable for passage.

Sincerely,
Moriah

MORIAH DAY

Executive Director

Kansas State Rifle Association

913.608.1910 P | 620.778.2083 C | KansasRifle.org

PO Box 8760 | Topeka, KS 66608

Sources:

1) <https://www.washingtontimes.com/news/2021/oct/5/guns-used-more-for-self-defense-than-crimes/>