

Testimony of Mary Leanna Barclay
Volunteer with Moms Demand Action for Gun Sense in America
Kansas State House - House Federal and States Affairs Committee Hearing
March 7, 2023, 9:00 AM

Dear Chairman Carpenter and Committee Members

My name is Mary Leanna Barclay.

I live in Shawnee Kansas and am a retired Speech Pathologist. I am a grandmother of two very young boys whose future is of great concern to me. My elected officials have great impact on the future environment in which my family lives. Decreasing gun violence should be a high priority. I **trust** it is for each member on this committee.

I am testifying today because HB 2803 is a dangerous gun bill that seeks to prohibit Kansas law enforcement and law enforcement agencies from assisting in the enforcement of certain federal gun laws.

In Kansas, the rate of gun suicide increased **14%** and gun homicide increased **102%** from 2012 to 2021. Surely, working **with** federal law enforcement agencies is something we would WANT to do! We should utilize all the forces needed to aid in reducing the scourge of gun violence.

This bill poses several significant concerns:

- HB 2803 would attempt to nullify certain federal gun laws by preventing Kansas state and local law enforcement from assisting in the enforcement of these laws, and penalizing police, prosecutors, and other Kansas government employees who participate in the enforcement of federal public safety laws.
- The exceptionally dangerous message that HB 2803 would send—wrongly—to criminals and others with dangerous histories is that they can carry firearms in violation of federal law within Kansas. But because of differences between federal and state law, this would effectively declare groups such as people with convictions for, for example hate crimes, as “law abiding citizens,” who can carry firearms in Kansas notwithstanding federal prohibition.
- HB 2803 would frustrate law enforcement’s ability to enforce public safety laws within the state. Similar laws have already been declared unconstitutional - on March 3, 2023, a federal judge in Kansas City struck down the Second Amendment Preservation Act, Missouri’s nullification statute, ruling that it is unconstitutional. Even portions of HB 2803 that might survive a constitutional challenge would make Kansas law enforcement agencies subject to harassing lawsuits.

- While that statute was in effect in Missouri, law enforcement expressed that the policy made it much more difficult for state and local law enforcement to do their jobs, filing letters and even a lawsuit supported by 60 police chiefs in Missouri in opposition to the law. We want our law enforcement officers to have clear guidance on what they can and cannot do and this bill makes that complicated and confusing.
- This bill would allow arrested individuals to sue Kansas law enforcement agencies who refer them to the United States Attorney's for federal prosecution. For example, if a highway patrol officer who recovers a fully automatic machine gun from a drug dealer or gang member during a traffic stop refers the case for federal prosecution, his agency could be forced to pay a hefty fine.
- Rather than prioritize legislation that will make it tougher for law enforcement to do their jobs and actually make Kansas citizens less safe, our lawmakers should focus their time and energy on reducing gun violence. Our leaders should be prioritizing common sense gun safety measures that actually protect communities from gun violence, not policies that would make it difficult for law enforcement officials to keep us safe.

I encourage members of the committee to **vote NO on HB 2803.**

This concludes my testimony.

Thank you,

Mary Leanna Barclay

HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

BILL NUMBER: HB 2803

Support _____ Oppose Neutral _____

Testimony Will Be: In Person Oral _____ Webex Oral _____ Written Only

For Meeting on March 7, 2024

March 6, 2024

Testimony By: Mary Leanna Barclay

(Name of person testifying)

On Behalf Of: Moms Demand Action for Gun Sense in America

(Association, Corporation, Individual)

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