



# Police Department City of Topeka, Kansas

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An Accredited  
Law Enforcement Agency



To: House Committee on Federal and State Affairs  
From: City of Topeka, submitted by Chief of Police Bryan Wheelles  
Date: March 7, 2024  
Re: HB 2803 Written Only Opposition Testimony

Thank you Chairman Carpenter for allowing the City of Topeka to submit opposition testimony to HB 2803 which would create the Kansas gun rights preservation act to prohibit the commandeering of state resources to enforce federal gun contract against law-abiding citizens.

The Topeka Police Department regularly investigations serious crimes including homicides committed with guns. It is an area of concern that HB 2803 will limit the agency's ability to address prohibited felons in possession of firearms which is only a crime under federal law. Officers could no longer stop a felon in possession and use that crime as probable cause to continue investigation. The law sees felons in possessions as law-abiding citizens.

Missouri passed a similar law in 2001, the second amendment preservation act, which prohibits local law officers from enforcing federal gun policy. In 2023, a federal judge found it unconstitutional and the Supreme Court rejected Missouri's request to lift the stay.

The Missouri Second Amendment Preservation Act (SAPA) has been found unconstitutional. Several provisions of SAPA were ruled unconstitutional by the United States District Court, W.D. Missouri, Central Division in the case of *United States v. Missouri*. The unconstitutionality of SAPA was further confirmed by the United States District Court, E.D. Missouri, Southeastern Division in *Lamb v. Missouri*. In this case, the court noted that SAPA had been found unconstitutional and that both the United States Court of Appeals for the Eighth Circuit and the United States Supreme Court denied Missouri's application for a stay pending appeal.

Kansas should not follow down a similar path enacting an unconstitutional law that harms law enforcement's ability to do their jobs.

Thank you for your consideration and listening to our concerns.

*Chief Bryan Wheelles*