



KANSAS STATE RIFLE ASSOCIATION

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Chairman Carpenter and Members of the Committee:

Thank you for the opportunity to provide testimony in support of HB 2803; *creating the Kansas gun rights preservation act to prohibit the commandeering of state resources to enforce federal gun control against law-abiding citizens.*

As the only exclusively Kansas-focused firearm policy organization here today representing thousands of members, multiple gun clubs with thousands of their own members, and hundreds of Kansas firearm dealers and manufacturers, the Kansas State Rifle Association is well-positioned to support legislation like this as we have other bills for so many years.

As a result of the Kansas Legislature's consistent action, our state laws today more-closely mirror the principles enshrined in the U.S. Constitution and clarified by the U.S. Supreme Court in its crucial rulings in *Heller*, *McDonald*, and most recently *Bruen* than many other states.

Unfortunately, there are far too many examples today of federal agencies continuing to ignore or circumvent the clear intent of the Second Amendment for us to stick our heads in the sand and pretend the rights of law-abiding Kansans are automatically safe just because our laws here are better than most.

Federal agencies have made no secret of their willingness to implement and enforce regulations that fly in the face of Second Amendment protections and are a complete about-face from decades of agency precedent. A significant example of this is the ongoing legal fight over whether bump stocks are a simple accessory as the ATF once held or whether they are subject to the NFA. Another example would be the radical departure by the ATF from years of working with FFLs to bring them into compliance to a new policy that has resulted in a 500% spike in FFL revocations under the Biden administration.

The legislation before you today is certainly not aimed at preventing state or local agencies from working with federal authorities to prosecute real criminals charged with real crimes. The exceptions in the bill make that abundantly clear, and if there is a way to make that even more clear, our organization would invite that discussion.

Section 2(a)(1) of the bill states that the bill only applies to those who, in their official capacity, "Knowingly and willingly participate...against a law-abiding citizen."

Unless we have law enforcement agencies currently making a regular practice of knowingly going after law-abiding citizens, seizing their firearms when the officer does not have the appropriate evidentiary cause to do so, targeting individuals exclusively for firearm-related offenses that only exist in federal law or regulation, and having no other violation of the law available to prosecute, the estimated costs in the fiscal note seem far too high and concerns in general seem overblown from our perspective.

Based on our relationship with Kansas law enforcement, we see no evidence that Kansas law enforcement officers in general have a desire to assist federal agencies in targeting individuals that the evidence does not show to be in violation of the law. If we do have that problem as the

data in the fiscal note suggests, we have a much bigger issue on our hands that needs to be addressed. However, what seems far more likely is that it is easier to put forward worst case scenarios as base assumptions for a fiscal note when it seems incredibly unlikely that a court would rule all 130 firearms taken by a single agency in a year were improperly confiscated.

We are confident that Kansas law enforcement agencies will find ways to continue working closely with federal law enforcement to bring criminals to justice if this legislation is passed. This bill will simply give Kansas agencies a clear boundary and make it known that our state does not tolerate abuses of power against firearm owners by the federal government and will not spend our taxpayer dollars to assist in targeting law-abiding Kansans.

While some may have heartburn with the penalty provisions in the bill, we find that perspective perplexing at best given that the bill is specifically deals with cases where the individual being pursued or investigated by authorities is not known or believed to be in violation of any law other than a gun control law.

Everything from murder to illegal parking has a consequence associated with it because penalties are an effective deterrent from breaking the law. Our goal is to protect the rights of Kansans to due process and continued exercise of their constitutionally protected freedoms in the face of unconstitutional federal gun control attempts – control that the federal government cannot effectively pursue without commandeering state and local law enforcement to act on the federal government's behalf. In a situation like this, a penalty is a far more consistent motivator than simply relying on an individual's good character in preventing abuses of power.

Having a penalty in place should not hinder the enforcement of our laws against criminals, but we believe it will cause decisionmakers to think twice before implementing policies that might result in a state or local government becoming complicit to the federal government's attempts to violate the constitutionally protected rights of firearm owners.

Most law enforcement in our state are genuinely upstanding people who take their responsibility to uphold the law very seriously. This bill will give individual officers greater clarity by setting clear boundaries agencies should follow in creating policies for when it is and is not appropriate to expend state resources for the benefit of federal agencies.

It is the duty of this legislature to do everything in its power to protect every citizen of this state and to preserve and protect the inalienable, natural, God given rights of its people.

On behalf of the Kansas State Rifle Association, I urge you to support HB 2803 and ensure that Kansas taxpayers are not forced to fund the targeting of law-abiding firearm owners through their state and local taxes like they unfortunately already do through their federal taxes.

Sincerely,
Moriah

MORIAH DAY

Executive Director

Kansas State Rifle Association

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