

March 7, 2024

Testimony to the House Committee on Federal and State Affairs

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BILL NUMBER: HB 2803 Gun Rights Preservation Act

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: written only testimony

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2803.

Gun violence is a pandemic in our nation and given the recent incident at the Superbowl parade, you all should be thinking twice about pushing such ridiculous and unconstitutional bills forward. Why do we continue to only care about the rights of gun owners and not ALL citizens? As parents, we should not have to worry about our kids at their schools, colleges, shopping centers, churches, movie theaters, etc. We as citizens should be able to go about our lives, not living in fear.

- First, this bill is unconstitutional. The United States Constitution (the document Second Amendment crusaders cite religiously) includes what is known as the “Supremacy Clause,” which states that federal law is “the supreme Law of the Land” and will displace or “preempt” any conflicting state law.^[1] The United States Supreme Court has referred to this clause as the “ultimate touchstone” of statutory interpretation in the country.^[2] This bill instructs Kansas law enforcement to disregard federal law. It is nonsensical and unconstitutional.
 - We saw Missouri pass a similar bill (the Second Amendment Preservation Act) in 2021 (the “Missouri Act”), which was challenged immediately as unconstitutional. The Missouri Act was litigated for years, and ultimately the United States Supreme Court agreed with the Eighth Circuit Court of Appeals that the Missouri Act usurped federal law and made it impossible for federal authorities to carry out their law enforcement duties.^[3]
 - These bills are on their face unconstitutional, unenforceable, and instantly result in litigation—a senseless waste of taxpayers' dollars and legislators' time.

- Second, we know that a vast majority of Kansans support common ground gun reform (72.3% support universal background checks, 77.9% support 21-year-old age requirement, 73.3% support red flag laws, 72.3% 3-day waiting period) and want federal officers in Kansas to be able to do their jobs and help keep our communities safe.^[4] The Kansas legislature is actively disregarding the needs and voices of their constituents.
- Third, since Kansas has steadily chipped away at its gun regulations, the state has seen a 32% increase in gun-related deaths. There have been more school shootings in Kansas in the last five years than in the last 40 years combined. This bill would make an already dire situation even worse.

[1] *US Constitution, Article VI, Clause 2* (“*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*”).

[2] *Retail Clerks v. Schermerhorn*, [375 U. S. 96](#), 103 (1963).

[3] <https://www.kcur.org/politics-elections-and-government/2023-10-20/supreme-court-leaves-missouri-gun-law-blocked-and-in-limbo>.

[4] *The Docking Institute of Public Affairs: [Kansas Speaks Fall 2022](#)*.

I ask that you vote NO on HB 2803.

Adrienne Newlin
Mom of two, small business owner
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