

Chairman Will Carpenter
Vice Chairman Tom Kessler
House Committee on Federal and State Affairs

March 7, 2024

Laura Stratton
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Re: In OPPOSITION to HB 2803 – Creating the Kansas gun rights preservation act

Chairman Carpenter, Members of the Committee:

My name is Laura Stratton. I am a wife and mother of two, and a practicing Kansas attorney. I am also a volunteer with the Kansas Chapter of Moms Demand Action for Gun Sense in America.

I oppose HB 2803, the Gun Rights Preservation Act. This bill will only undermine and distract our dedicated law enforcement officers in their efforts to keep us safe. We know this, because a similar bill in Missouri was directly and unequivocally responsible for allowing a deadly school shooting.

Missouri's nullification law was directly responsible for allowing a deadly school shooting
Missouri's similar law was passed in 2021. Like this bill, it forbid local law enforcement from working with federal law enforcement to enforce federal gun laws. It claimed that it was meant to prevent the federal government from commandeering state resources, but what it really did was nullify federal gun laws within the state. Indeed, it was struck down as unconstitutional within two years of its enactment, because it violated the Supremacy Clause doctrines of preemption and intergovernmental immunity. But I am not here to talk about the Supremacy Clause, nor whether this law will stand up to judicial scrutiny. That will have to be decided by the federal courts after long, protracted, expensive litigation.

I am here to talk about a beloved teacher, and a talented young student who was about to celebrate her Sweet Sixteen. I am here to talk about how, had Missouri not passed a law just like this one, they would still be alive.

In 2022, Missouri's nullification law had not yet been found unconstitutional and was still in effect. In St. Louis, a nineteen year-old man was struggling with mental illness. His family tried desperately to get him help, including therapy and medication. At one point, he was committed to a mental health institution. Because of that commitment, he was prohibited under federal law from possessing firearms. Indeed, when he went to go buy a gun, he failed an FBI background check.

Nevertheless, he was able to purchase an AR-15. His parents discovered the gun and called the police, begging them to take it away from their son. Though under federal law this mentally ill

young man was prohibited from possessing a firearm, Missouri has no such law. When the police arrived, they determined that, because of Missouri's nullification law, they could not take away his gun. They knew he was mentally ill, but they could not enforce federal law, and they could not contact federal agents to do so, either.

Nine days later, the young man took the gun and over six hundred rounds of ammunition to his former high school and opened fire, killing fifteen year-old Alexandria Bell and beloved teacher Jean Kuczka. Had Missouri's nullification law not been in effect, they would likely still be alive.

Nullification laws sow chaos and confusion among everyday citizens

Nullification laws tie our hardworking law enforcement officers' hands behind their backs. They make their jobs harder, which makes us less safe. But they also sow confusion and chaos that affects everyday Kansans. In 2013, this legislature passed a nullification law declaring that any firearm made in the state, and which never left the state, was not subject to federal gun laws. Two law-abiding citizens from Chanute saw this, and they relied on it. They created a gun-making business. They did not realize that, though the State of Kansas had told them that their business was not subject to federal gun laws, the federal government disagreed. They are now federally-convicted felons. Similarly, this nullification law will confuse everyday Kansans about what exactly their rights are with respect to law-abiding gun ownership.

We should be helping, not undermining, our law enforcement officers in their efforts to keep us safe

The shooting at the Chief's Super Bowl parade was less than one month ago. Since that time, every single news article I have read has mentioned two things. The first is the name of the woman killed – Lisa Lopez-Galvan – and the number of people injured – 22. The second is how admirably and successfully local, state, and federal law enforcement officers worked to neutralize the danger, help the injured, and investigate the alleged shooters. Under this nullification law, there would not have been that level of cooperation among law enforcement offices, and there could have been more tragic, preventable gun deaths.

Why are we making it harder for our law enforcement officers to do their jobs? Why are we second-guessing their training, when they determine it is in Kansans' best interests to work together with federal law enforcement? Why are we misleading everyday Kansans with state laws that require a law degree to understand?

I urge you to vote no on HB 2803. Please let law enforcement officers do their jobs. Do not make it harder for them to keep us safe. Thank you.

Sincerely,

Laura Stratton

Volunteer, Kansas Chapter, Moms Demand Action for Gun Sense in America