

Corrections and Juvenile Justice Committee
Testimony House Bill 2427 – Rep. Jim Kelly
Entrapment of Firearms Dealers
January, 24, 2012

In the spring of 2011 I received an e-mail from an Elk County constituent inquiring as to whether Kansas had legislation in place, similar to legislation just enacted in Oklahoma, (SB 856, which passed with the unanimous vote of both the House and Senate), to protect firearms retailers and private sellers from sting operations, such as those being carried out by Mayor Bloomberg and his Mayors against illegal guns group. (It should be noted that only 3 Kansas Mayors joined this group initially because they believed he was only against illegal guns. They soon found out this was not the case and they promptly dropped their membership).

If you are not familiar with this group they operate by sending hired agents into states across the country to attempt illegal firearm purchases, in an effort to blame federally licensed firearm retailers for gun crimes committed in New York City and other large cities around the country. These are not law enforcement individuals operating under the rule of law or with probable cause as required by the Constitution. These are private individuals from out of state who think they should go into other states and work to entrap gun dealers using whatever means they believe will work to accomplish their mission in order to make a case for gun control. Basically this non-law enforcement group's mission is to fraudulently represent themselves and present an idea for committing a crime to another in an effort to persuade a person to commit an offense. They are not simply giving someone the opportunity to commit a crime; they are persuading them to do so.

In the spring an inquiry to Legislative Research revealed that Kansas did not have similar legislation on the books, thus the birth of this bill. It must be noted up front that this proposed legislation does not apply to law enforcement officers acting in their official capacity or to a person acting at the direction of a law enforcement officer.

I should also note that I am not the typical gun supporter, as I am not a hunter or gun user, but I am a strong supporter of the Second Amendment rights of all citizens and the right of the approximately 900 Kansas Firearms retailers to conduct their business without intrusion from an outside group such as the Mayors group.

I am not aware that there has been any Bloomberg type stings conducted in Kansas as of yet, but this bill is designed to discourage such stings. It is not drafted to place any burden on Kansas Firearms retailers. I believe that most citizens of Kansas oppose anyone from any other state coming to Kansas to try to entrap our firearms dealers, who I believe are abiding by the law. This legislation simply makes it clear that there are stiff penalties for those who wish to engage in such behavior and that if you come to Kansas and commit such a crime you will be charged with a felony. This, we feel, will be a deterrent and will send this group and others to another state to conduct their sting operations.

In addition to Oklahoma, Virginia (2007) and West Virginia (2010) have also adopted similar legislation and several other states have this type of legislation under consideration. Thank you very much for your consideration of HB 2427.

House Corrections and Juvenile Justice
Committee
2012 Session
Date 1-24-12
Attachment # 1