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**Testimony to the Senate Federal and State Affairs Committee
In Support of HB2052
March 21, 2013**

Chairman Ostmeyer and Committee Members,

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association strongly support the passage of HB2052. Cities are not the proper place for firing firearms. The concentration of people, and especially of children, makes such activity dangerous and not in the interest of public safety. You will also note the bill contains the appropriate exceptions to the law.

Most cities already have ordinances covering this activity. By approving the bill the application of that restriction to firing firearms will be uniform throughout the state.

However, we are concerned with the provision regarding wildlife on lines 13-15. Our concerns include 1) no provision requiring a safe manner; 2) this provision will make prosecution difficult since the wording of the statute does not make these provisions an "affirmative defense" but will require the prosecution to prove the exception did not occurred in all cases of discharging a firearm in a city.

If this subsection is retained, we suggest splitting this provision into two provisions, something along the lines of: "the firearm is discharged in a safe manner to lawfully take wildlife as permitted by the department of wildlife, parks and tourism and the governing body of the city." And, "the firearm is discharged in a safe manner to lawfully dispose of nuisance wildlife, 1) if immediately necessary to protect personal property from immediate damage or the health and safety of any person, domestic animal, or of the environment of any occupied structure; or 2) if approved by special permit of the chief of police, or of the sheriff when the city has no police department."

If the above amendment is not included, we recommend the "and" on line 15 should probably be an "or".

We also suggest adding ", or by the sheriff when the city has no police department" at the end of line 18.

We encourage you to recommend HB2052 for passage. We also encourage you to consider our amendments above.

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