

1 "WE HOLD THESE TRUTHS TO BE SELF-EVIDENT, THAT ALL MEN ARE CREATED  
2 EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN  
3 UNALIENABLE RIGHTS." - U.S. Declaration of Independence  
4

5 From:

6 3UP OF KANSAS

7 To:

8 HOUSE COMMITTEE ON FEDERAL AND STATE  
9 AFFAIRS

WRITTEN TESTIMONY

HOUSE BILL NO. 2145,

10 Dear Senate Committee Members,  
11

12 3UP of Kansas represents a State wide network of United Kansas Patriots who are dedicated to support and  
13 defend the Constitution of the United States and the State of Kansas, who loves their country/state and supports its  
14 rightful legal authority and interests. We are the embodiment of mans' desire for freedom, believing in the  
15 fundamental unalienable rights of all human beings.

16 To label the possession of any firearm by a person while such person is subject to a court order that restrains  
17 such person from harassing, stalking or threatening, as an offense of "Criminal use of weapons", takes away the  
18 flexibility of the Court to institute steps that would discourage potential behavior yet may not require the stripping of  
19 2<sup>nd</sup> Amendment Rights to self-protection.  
20

21 Keep in mind that typically, the subjects of these orders may not, at this point, have done any illegal actions that  
22 constitutes harassment, stalking or domestic violence. We have laws against all of those things and if they have done  
23 those things then they should be facing prosecution and not an order requiring them to not do actions that are already  
24 illegal. Instead, an order of protection is meant to be a tool for the Court to institute a period of cooling off or if need  
25 be to make it very clear and official that the subject is to leave the requesting party alone and have no contact. It is a  
26 tool to discourage any illegal actions before they happen and set lines in the sand for behavior that if continued now  
27 constitutes a crime, such as continuing to try and make contact in violation of the Courts order.  
28

1 HB2145, creates a requirement that even for temporary orders, the person under court order would be required to  
2 dispose of personal property as well as be stripped of their 2<sup>nd</sup> Amendment Rights in order to remain in compliance.  
3 Creating such an onerous burden with no options to lessen the burden may serve to give pause to Courts who may  
4 otherwise have felt that a short period of cooling off with a simple court order would have been beneficial. The net  
5 result may very well be fewer numbers of protection orders actually granted. This is no longer a simple court order  
6 that delineates acceptable behavior but has now become a punitive action that strips rights and forces the disposal of  
7 personal property and possibly without even having actually broken any laws.

8  
9 There is very clear language concerning “Parents and Legal Guardians” of the “Victim” with very little language  
10 defining what constitutes a “credible threat to their physical safety” or what could “potentially” cause bodily injury.  
11 Can such unclear language now be used to prosecute or harass law abiding Parents who simply engaged in corporal  
12 punishment of their children in the past? Will unclear language and the binding of the Courts ability to institute  
13 reasonable restrictions have an opposite effect upon the desired goal of deterrence?

14  
15 The Courts currently have the authority, when it is called for, to restrict the possession of firearms by setting  
16 terms of their order, is there truly a benefit from taking common sense decisions away from the Courts and passing  
17 such inflexible across the board terms? Does this create incentives for former Spouses to file for Court Orders in a  
18 “He said, She said” setting, in an attempt to harass or position themselves better during child custody hearings?

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20 Not seeing any clear benefit and seeing many detriments to current processes, we respectfully urge the  
21 Committee to vote against HB2145.

22 Respectfully Submitted and Dated this 8<sup>th</sup> of February, 2017,

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