

Senate Judiciary Committee – Senate Bill 156

February 15, 2017

Kansas Association of Criminal Defense Lawyers

Neutral, Written Testimony Only

Chairman Wilborn and Members of the Committee:

The Kansas Association of Criminal Defense Lawyers (KACDL) is a 350+ member organization dedicated to ensuring justice and due process for persons accused of crime or other misconduct.

SB156 seeks to expand K.S.A. 21-6318, Creating a Hazard. It increases the penalty for §§ (3), which reads: “exposing, abandoning or otherwise leaving any explosive or dangerous substance in a place accessible to children” from a class B nonperson misdemeanor to a class A nonperson misdemeanor. SB156 also adds a new subsection which would criminalize “exposing, abandoning, or otherwise leaving any loaded firearm that is not equipped with a tamper resistant mechanical lock or other safety device, properly engaged so as to render such weapon inoperable by any person other than the owner or other lawfully authorized user, in a place accessible to children.” A violation of that new offense would also be a class A nonperson misdemeanor.

KACDL does not intend to weigh in on the advisability of those expansions; however, if the committee recommends adopting this bill, KACDL would encourage the committee to modify the language of K.S.A. 21-6318 §§ (3) and (4) from “exposing, abandoning, or otherwise leaving...” to “storing, abandoning, or otherwise leaving...”.

The word “expose” in common legal usage simply means “to show publicly”. A fireworks display exposes children to explosives. A parent armed with a rifle taking their child hunting would expose that child to a loaded firearm. Replacing “exposing” with “storing” in §§ (3) and (4) would accomplish the goals of the statute without criminalizing rightfully legal activities.

Thank you for your consideration,

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