



Kansas State Rifle Association
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Mr. Chairman and Members of the Committee,

On behalf of the Kansas State Rifle Association (KSRA), thank you for the opportunity to provide written testimony in support of HB 2681, AN ACT concerning firearms; relating to the disposition thereof by law enforcement agencies; requiring all forfeited or seized firearms to be disposed of in accordance with the Kansas code of criminal procedure; amending K.S.A. 22-3904 and 32-1047 and K.S.A. 2021 Supp. 60-4117 and repealing the existing sections.

HB 2681 would require certain seized and forfeited firearms or ammunition in the possession of a law enforcement agency to be disposed of in accordance with KSA 22-2512. The bill would also remove provisions requiring law enforcement agencies to submit annual forfeiture fund reports to the Kansas Legislature.

The KSRA stands in strong support of this legislation as it clarifies the will and intent of the legislature as expressed in 2014 with the passage of then HB 2578. That bill passed the House 102-19 and the Senate 37-2 in bipartisan fashion and was then signed into law by the governor.

The intent of the 2014 law was very simple. Law enforcement was no longer to destroy firearms. There were very specific exceptions allowing for a firearm to be destroyed if it was damaged or used in the commission of a capital murder, murder in the first degree, murder in the second degree, voluntary manslaughter, or involuntary manslaughter. Undamaged firearms not used in violation of KSA 21-5401, 21-5402, 21-5403, 21-5404 or 21-5405 were to instead be sold to a properly licensed federal firearms dealer for resale to the public.

Firearms are not inherently good or bad. They are tools that tens-of-millions of Americans own to defend themselves, participate in the shooting sports, put food on their tables, and for many other lawful reasons. Destroying confiscated firearms will not make our communities safer. It will simply reduce the number of firearms available on the market for purchase by individuals who pass a background check and want to go through a licensed firearm dealer.

In a world where law enforcement is disrespected, agencies in many cities and states are being eliminated or at the very least defunded, and morale among those who have answered the call to defend us is lower than we've ever seen, it's not surprising licensed firearms dealers and manufacturers have found it impossible to keep up with the demand from law-abiding individuals who see the importance of having the means to defend themselves.

Destroying confiscated firearms will make current shortages even worse. Fewer firearms on the market means higher prices. That makes firearms less accessible to those less financially advantaged such as

single mothers, the elderly, and those in lower income households and communities. Many of these Kansans have the greatest need to defend themselves and we should be doing everything possible to ensure they have the tools they are desperately trying to get.

The KSRA firmly believes that firearms in the hands of law abiding, responsible gun owners is a good thing. If fewer firearms are in the hands of criminals, more are owned by the good guys, and law enforcement agencies have significantly more financial resources to arm their officers as a result of the exchange, there doesn't seem to be a downside. Smaller agencies put these funds to good use and destroying firearms when they could be sold is wasteful.

Despite the clear intent of the Kansas Legislature back in 2014, and the simplest reading of the statute, we have been made aware that some law enforcement agencies in Kansas continue to destroy firearms, if not in violation of the law, then clearly in violation of the spirit of the law and the legislature's expressed intent.

It is our understanding that some law enforcement agencies believe a loophole exists in statute allowing them to continue to destroy firearms. While the KSRA strongly disagrees, we nonetheless agree that the legislature should act to further-clarify its intent in passing HB 2578 back in 2014. Today's HB 2681 in the 2022 Kansas Legislative Session does exactly that.

With this in mind, we respectfully request that the Committee report HB 2681 favorable for passage.

Best regards,

Moriah Day
Director at Large
Kansas State Rifle Association