

Chairman Barker and Members of the House Federal & State Affairs Committee:

First of all, I want to say I greatly appreciate law enforcement officials even though we likely disagree on whether the destruction of working firearms is an effective strategy to reduce gun violence. There is an ongoing belief by some people that confiscation and destruction of firearms will somehow help reduce gun violence. That idea is rooted in the theory that the guns themselves are to blame and that if only the guns did not exist, that violence would be eliminated. Firearm destruction proponents must conclude that those that would initiate violence have no other options and those that defend themselves can use other options. That is not rational. I think we can all agree that gun violence is terrible but how to reduce gun violence is where we may have to agree to disagree.

I helped draft and carry a bill in 2014 to the governor's desk in 2014. This law prohibits the destruction of surplus working firearms. In accordance with the 2014 Kansas law, rather than destroy surplus working firearms, the law requires that they be sold to law-abiding citizens through licensed FFL dealers. Notwithstanding the law, law enforcement leaders have found a loophole in the law and are choosing to grind down surplus firearms rather than sell them in accordance with K.S.A 22-2512 which was amended by HB2578, Sec. 13.

Some law enforcement agencies are making a deliberate choice to violate the spirit and letter of the law by working through the courts to destroy firearms that should be sold.

You are considering HB2681 today. This bill simply closes the loophole and ensure firearms are dispositioned in accordance with the intent of HB2578 (2014).

Below, there is some additional information you can dig deeper if you have an interest. But for now, please consider this a trailer bill to close a loophole. Please pass HB2681.

Jim Howell

Former Kansas State Representative, District 81 (2011 – 2014)

Current Sedgwick County Commissioner, District 5

Kansas State Rifle Association Board Member

Information To Know About the passage of HB2578:

HB2578 passed 102 to 19 in the House and 37 to 2 in the Senate. See those details here: http://www.kslegislature.org/li_2014/b2013_14/measures/hb2578/

Why are we debating this today?

<https://www.kansas.com/news/politics-government/article253693663.html>

The Sedgwick County Sheriff is quoted in the story:

SHERIFF WEIGHS IN

"I think it's ridiculous" to sell them, he said. "Those have been used in crimes and they don't need to be returning to the street. You know, when we talk about responsible gun owners, those type of things, great. But they also end up in the hands of non-responsible gun owners."

He said doesn't believe that conflicts with the state law.

"I understand what they passed in 2015," he said. "I think it still gives us the ability to destroy them."

In every criminal case, the department seeks an order to allow the destruction of no-longer-needed items of evidence.

And his view is that that includes firearms.

"The court case is over with and then we get a court order from the judge to destroy it," he said.

If you want to read the details of the law, here is the information:

Page 15 of HB2578 (Section 13 (c)(6)(A) outlines the requirements to Sell Firearms through FFL Dealers rather than destroy them: It says in part, "for sale to a properly licensed federal firearms dealer, for trading to a properly licensed federal firearms dealer for other new or used firearms or accessories for use within such agency"

Here is a link to that language:

http://www.kslegislature.org/li_2014/b2013_14/measures/documents/hb2578_enrolled.pdf