

OFFICE  
STATE CAPITOL BUILDING  
ROOM 424-E  
TOPEKA, KANSAS 66612  
(785) 296-7376; (785) 296-0103/FAX  
David.Haley@senate.ks.gov

# STATE OF KANSAS



DISTRICT  
CIVIC CENTER STATION  
POST OFFICE BOX 171110  
KANSAS CITY, KANSAS 66117  
(913) 321-3210; (913) 321-3110/FAX  
SenHaley@aol.com

SENATE CHAMBER

**DAVID B. HALEY**  
SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

February 15, 2017

## TESTIMONY IN SUPPORT OF SENATE BILL 122

### TO CHAIRMAN WILBURN; VICE-CHAIR LYNN & MEMBERS OF THE SENATE JUDICIARY COMMITTEE:

Thank you for hearing testimony on SB 122, a bill increasing the penalty for certain violations of criminal discharge of a firearm. Although this is a Committee bill, as DRAFTED, I do not support the bill.

Specifically, the intent of this bill is to increase a mandatory minimum of months an offending shooter must serve in prison for intentionally discharging a weapon into a house or into a vehicle where the person discharging the firearm *believes or has reason to believe* that there is a human being present. The drafting error states "...in which there is a human being, regardless of whether the person discharging the firearms knows...". When the bill is worked, I will propose that we amend the language.

Succinctly, in the case of a proverbial "drive-by shooting", this bill would cause an errant, reckless shooter firing a weapon into a house or into a vehicle where that drive-by shooter thinks a human is to, upon conviction of this and other charges, have five (5) years tacked on to his/her prison sentence.

There is an old saying that "bullets have no eyes." There are innumerable examples of, arguably, "unintended targets"; some, too often children or seniors, are struck, injured and even killed by a random shooting into the dwelling or into the vehicle that the victim happened to be in.

I have fought for ALL of my legislative career AGAINST "tying the Court's hands" with legislatively imposed mandatory sentencing guidelines that have "stacked" our bed space up in our prisons. Today, I SUPOORT locking up with a mandatory minimum sentence these miscreant thugs that have no regard for human life and harass, terrorize, injure and even kill innocent parties to their grievance with others.

Please act favorably on SB 122. I will be happy to stand for questions at the appropriate time.

COMMITTEE ASSIGNMENTS  
FEDERAL & STATE AFFAIRS  
JUDICIARY REAPPORTIONMENT  
PUBLIC HEALTH & WELFARE

JOINT COMMITTEE ASSIGNMENTS  
STATE TRIBAL RELATIONS CHILDREN'S ISSUES  
CORRECTIONS & JUVENILE JUSTICE OVERSIGHT  
HEALTH POLICY OVERSIGHT