

**Date: March 7, 2024**  
**HB2803, Hearing in the House Federal and State Affairs Committee**  
**Supporting HB2803, with written and oral testimony**  
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I am John Axtell, from Wichita. I am the volunteer coordinator for Kansas Campaign for Liberty.

Honorable Chairman Carpenter and members of the House Federal and State Affairs Committee, I support HB2803.

In a nutshell, the bill invokes the anti-commandeering principle, an idea that has been upheld by the US Supreme Court multiple times, including as recently as the 1990's, and simply means that the federal government cannot force the states to enforce federal law.

It also provides law-abiding Kansas gun owners with the means for redress against those who would use Kansas resources to enforce federal restrictions on 2<sup>nd</sup> Amendment rights, and this redress is adjudicated in civil court.

This bill is intended to fix the shortcomings of the 2013 Kansas Second Amendment Protection Act (SAPA), SB102, which had the support of over 80% of both chambers but which left law-abiding gun owners with no protection, or worse.

Let's correct a misconception, or outright misrepresentation, being made about the bill. This law does nothing to prevent Kansas law enforcement from enforcing federal law against those who commit federal crimes against property, persons, or the state. So if HB2803 passes into law, Kansas law enforcement may still go after the truly bad guys who violate federal law.

What they may NOT do is participate in the erosion or suspension of law-abiding Kansans' 2<sup>nd</sup> Amendment rights by utilizing state resources to raid citizens' homes and/or confiscate lawfully acquired property under the color of law.

Some have objected that the punishment provided for by this bill could destroy law enforcement department budgets. The same could be said for lawsuits brought against departments for violations of due process, or other constitutionally protected rights. Yet people DO have due process rights, and they ARE protected by federal law, EVEN THOUGH lawsuits to remedy offense against these rights could destroy law enforcement budgets.

This act remedies that need by providing redress from violations of 2<sup>nd</sup> Amendment rights. It corrects the fact that these rights are not currently protected by state or federal statutes that define the redress against violation of our 2<sup>nd</sup> Amendment freedoms.

Another equally important purpose of this act is to protect Kansas law enforcement from orders requiring that they violate their oath to support the US and Kansas Constitutions, and to protect them from enforcing unconstitutional federal acts upon their fellow Kansas citizens. Enforcement of federal gun laws can involve dangerous no-knock warrants and similar actions. It is unconscionable to place Kansas law enforcement in these situations, where they are ordered to force their way into the home of a law-abiding Kansan for the sake of confiscating property that was lawfully acquired.

This is an extremely important bill. I admire those in the blue who faithfully serve the US and Kansas Constitutions. This bill is for these people, and for the Kansans they serve. This bill not only allows Kansas law enforcement to do their job, but it also protects them from doing that which is NOT their job and which brings additional and unnecessary danger into their lives.

I urge you to support HB2803, the Kansas Gun Rights Preservation Act.

Thank you for your consideration of my testimony.

John Axtell