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Testimony to the House Committee on Federal and State Affairs

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BILL NUMBER: HB 2803 Gun Rights Preservation Act

PROPONENT, OPPONENT, or NEUTRAL: Opponent

ORAL or WRITTEN ONLY TESTIMONY: Written

Dear Chair & members of the committee,

I am writing to voice my opposition to bill HB 2803.

HB 2803 will make our state that much more dangerous in a time where we already feel unsafe and unprotected. Living in present day America where guns are the #1 killer of children¹, this bill will only add to that statistic. I live in daily fear of my children's lives, as well as my own. My own uncle was shot and killed on the highway in Missouri for no reason other than the person who shot the gun should never have had a gun in his hands in the first place. Had the man not had a gun, my uncle would have never been killed. Not enforcing federal gun laws in Kansas will further increase the likely hood this can happen just as easily in Kansas. Several of us constituents already do not feel safe nor protected with the roll back of safe gun laws. This will just add to the fear and sadly the reality that we will lose more Kansan lives because of this reckless bill.

Not to mention that this bill is UNCONSTITUTIONAL! The United State Constitution (the one repeatedly referenced by those who believe there should be no rules or regulations around the 2nd amendment) includes the "Supremacy Clause" that states the federal law is "the supreme Law of the Land" and will displace or "preempt" any conflicting state law². The United States Supreme Court has referred to this clause as the "ultimate touchstone" of statutory interpretation in the country.³ This bill instructs Kansas law enforcement to disregard federal law which is nonsensical and unconstitutional thus will instantly result in litigation – a senseless waste of our taxpayers' dollars and legislator's time.

We also know the vast majority of Kansans support common ground gun reform (72.3% support universal background checks, 77.9% support 21-year-old age requirement, 73.3% support red flag laws, 72.3% support a 3 day waiting period) and want federal officers in Kansas to be able

¹ <https://www.forbes.com/sites/darreonnadavis/2023/10/05/firearms-now-no-1-cause-of-death-for-us-children---while-drug-poisoning-enters-top-5/?sh=57f50cf6609e>

² *US Constitution, Article VI, Clause 2* ("This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.").

³ *Retail Clerks v. Schermerhorn*, 375 U. S. 96, 103 (1963).

to do their jobs and help keep our communities safe.⁴ The Kansas legislators who support this bill are actively disregarding the needs and voices of their constituents. Since Kansas has steadily chipped away at its gun regulations, the state has seen a 32% increase in related gun deaths. There have been more school shootings in Kansas in the last five years than in the last 40 combined. This bill would make an already dire situation even worse.

For the sake of my loved ones' lives and my life, I beg of you to please use your heart and vote no on bill HB 2803.

Eileen Knoblauch
Leawood, KS

⁴ *The Docking Institute of Public Affairs: Kansas Speaks Fall 2022.*