

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
(785) 296-7665
jim.howell@house.ks.gov

125 E. BUCKTHORN RD.
DERBY, KS 67037
(316) 788-4887



JIM HOWELL
82ND DISTRICT

House Committee on Federal and State Affairs

COMMITTEE ASSIGNMENTS
MEMBER: EDUCATION
GOVERNMENT EFFICIENCY
GENERAL GOVERNMENT BUDGET

Hearing on

HB 2491, Lawfully possessed handguns permitted while hunting, fishing and furharvesting.

Dear Chairman Brunk and committee members,

I will start with a little background information to explain why this important legislation needs to go forward.

In the 2010 General Election, Kansans voted by 88% to approve and adopt new language in the **Kansas Constitution**. The current language in section 4 now says,

"A person has the right to keep and bear arms for the defense of self, family, home and state, for lawful hunting and recreational use, and for any other lawful purpose.

Unfortunately, Kansas hunting regulations have not caught up. Here is an example of the current restrictive language:

(Regulation 115-4-4) Big Game Regs: (e) Big game permittees shall possess hunting equipment while hunting only as authorized by this regulation and by the most restrictive big game permit in possession while hunting.

This essentially says it is illegal to carry a firearm while hunting in non-firearm hunting seasons. This means a citizen authorized to own and possess a firearm must **DISARM THEMSELVES** to participate in hunting unless they have a Conceal Carry Permit (Law passed last year). If the law would be amended, and if a person used the firearm to hunt with, then they would be in violation of the hunting regulations and should be prosecuted accordingly.

I encouraged KDWP commission to consider my objection in light of the new constitutional language and they met at my request but chose to retain the restriction.

Last year, SB152 gave CCH holders the opportunity to exercise their right to defend themselves during hunting, fishing and furharvesting. This bill passed both bodies of the legislature almost unanimously. In that bill, the language said this:

any person who is licensed under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, from exercising the right to carry a concealed handgun while lawfully hunting, fishing or furharvesting;

I believe one of the reasons CCH legislation was created was to override municipalities from restrictive ordinances. Kansas, as a state does not have such a restriction. Open carry is still the law of the land. Someone outside of a municipality has a constitutional right to carry a firearm for protection of self or family.

Under current law, law enforcement that we trust to carry a handgun everyday while they are on the job are restricted from being able to carry a handgun for self protection while hunting unless they also have a CCH permit!

Most sportsmen or sportswomen are excellent law abiding citizens. I personally do not know of any of them that do not religiously obey all the laws and regulations to the best of their ability. I think the contention that these law abiding sportsmen would use a handgun intended for self protection to hunt in a non-firearm season is unfounded. People that obey the law now will continue to obey the law.

Therefore, this bill simply allows for hunters/fisherman to carry a handgun. It says,

The provisions of this section shall not be construed to prevent...any person who lawfully possesses a handgun from carrying such handgun for purposes of self defense while lawfully hunting, fishing or furharvesting

Crime in rural areas is increasing. Many who live in rural areas have many stories to illustrate this point. Recently, I took my wife, children, and some close friends out to a friend's rural property to do some gun training and target practice. When I arrived at the owner's property, I caught a burglar breaking into the home. He got away as soon as I challenged him but thinking back now, I realize he could have chosen to hurt me or my family. I was unprepared. My guns were all in storage cases and unloaded and in the back of the vehicle. I have had Kansans tell me they have had all sorts of confrontations in rural settings where they feel vulnerable and would like to protect themselves. Currently, when hunting, we intentionally require sportsmen/women to disarm themselves.

The issues might be these:

- Turf conflicts – finding unauthorized hunters on a property, establishing who has permission to hunt if disagreement happens
- Discovery of marijuana growers, meth operations, or other illegal operations and those that might intimidate people coming into their areas
- Finding evidence of poaching and those in the process of poaching
- Neighbors unsure why someone is in area (protecting adjacent land) and would intimidate

I contend that Wildlife and Parks does not have authority to override the KS constitution. Their regulation must be amended.

Please support and pass HB2491.

Thank you Chairman and committee!