



**OFFICE OF THE DISTRICT ATTORNEY**  
**THIRD JUDICIAL DISTRICT OF KANSAS**  
**Michael F. Kagay, District Attorney**

March 8, 2022

TO: Chairwoman Warren of the Senate Judiciary Committee  
FROM: Mike Kagay, District Attorney for Shawnee County  
RE: Proponent Testimony for SB 534, the Reduce Armed Violence Act

Chairwoman Warren and Members of Committee:

I serve as the Shawnee County District Attorney, and as a member of the KCDA board. I am offering my strongest possible support for SB 534, and hope that you give it favorable treatment.

Violent crime continues to rise across our State. While the underlying factors that drive this trend are myriad and the subject of debate, there is no disagreement as to how the crimes are being carried out. The overwhelming majority of this violent crime is being carried out by convicted felons, and is facilitated by the use of firearms they are already prohibited from possessing by law.

Although current law already prohibits these felons from possessing firearms, it does not serve as an effective deterrent. The offense itself is classified on the sentencing grid as a level eight non-person felony. This means that unless their criminal history score is maxed out, or nearly maxed out, they remain presumptive probation. The offenders know that even if arrested and convicted for this offense, they will almost certainly receive a sentence of probation. In fact, they have told us the same. So long as this remains the case in our State, they will continue to disregard the law.

This is a simple risk and reward analysis for the offender. Yes, they are prohibited from possessing the firearm, and they know it. However, the potential penalties are minor and they feel the firearm is a necessary tool to support their ongoing criminal activity and to protect themselves from the other violent offenders known to them. These collective factors create a self-perpetuating vicious cycle of catch and release for these felons, and turn our streets into a proverbial powder keg, ready to explode in violence.

Unfortunately, the danger does not simply extend from one offender to another. During my time as the District Attorney, I have prosecuted several murder cases involving completely innocent bystanders, who were tragically caught in the crosshairs of a felon's prohibited firearm. One life lost in this manner is already one too many. Our communities deserve better.

The clear solution to this problem is SB 534. This bill provides some teeth to the existing law, by allowing the Court to impose a prison sentence on these repeat felons, when they have committed a new violent crime with a prohibited firearm. This proposal represents a substantive penalty for some of the most dangerous violent offenders in our communities, and will serve as an effective deterrent to curb this trend of violence sweeping our State.