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House of Representatives

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Mike Houser
Representative, 1st District

Mr. Chairman, and members of the House Federal and State Affairs Committee, thank you for allowing me to present this bill before you today.

"The right of the people to keep and bear arms shall not be infringed."

Founding Father James Wilson called the right to self-defense the primary law of nature. The right to keep and bear arms is an extension of that fundamental law. We don't need the Second Amendment to give us that right; we already have it and always will. The Second Amendment is there to draw a line in the sand, specifically prohibiting the government from infringing on this right. If we the people defer to the federal government to decide its own limits of the powers delegated to itself, we shouldn't be surprised to learn that "shall not be infringed" has turned into "shall be infringed as the feds see fit". Ultimately, it's up to the people to exercise their right of self-defense, whether the government gives them permission to or not. Thomas Jefferson summed it up best when he said, "A free people claim their rights as derived from the laws of nature and not as a gift from their chief magistrate."

Committee members, HB 2803 puts the power back into the hands of law-abiding Kansas citizens by utilizing the firmly established legal doctrine of anti-commandeering, holding that the federal government has no authority to force states to participate in implementing or enforcing its acts. A state can legally bar state agents from enforcing federal gun control. The federal government cannot force states to help implement or enforce any federal act or program. The anti-commandeering doctrine is based primarily on five Supreme Court cases dating back to 1842. *Printz v. U.S. (1997)*, brought about by Sheriff Richard Mack, serves as the cornerstone. No determination of constitutionality is necessary to invoke the anti-commandeering doctrine. State and local governments can refuse to enforce federal laws or implement federal programs whether they are constitutional or not.

The premise of HB 2803 is simple. It will prohibit an agency of the state, a political subdivision of the state, and their employees from knowingly and willingly participating in any way in the enforcement of any federal act, law, executive order, administrative order, rule or regulation regarding a firearm, firearm accessory or ammunition against a law-abiding citizen. A "law-abiding citizen" is defined as "an individual who is not otherwise precluded under state law from possessing a firearm". The bill also prohibits the utilization of any assets, state funds, or funds allocated by the state to local entities for the enforcement of or aiding a federal agency in the enforcement of the same. Law-abiding Kansas citizens are not the source of gun violence; therefore, we should not be treated as such.

The following actions would specifically **not be prohibited under HB 2803**:

Federal agents will be allowed to enforce federal laws, rules, and regulations concerning firearms, but they will receive no help whatsoever from an agency of the state, a political subdivision of the state, or their employees **if the charges are not solely for the possession or use of such firearm, firearm accessory, weapon, or ammunition**. They would also be denied the use of any assets, state funds, or funds allocated by the state to local entities for the enforcement of or aiding a federal agency in the enforcement of the same.

Providing material aid and support to federal law enforcement agencies that are in pursuit of a suspect when there is a demonstrable criminal nexus with another foreign jurisdiction and such suspect is either not a citizen of this state or is not present in this state.

Providing material aid and support to any United States attorney or assistant United States attorney in the prosecution of felony crimes substantially similar to any crime described in article 57, 58, or 63 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, that includes the possession of a firearm or other weapon **if the charges are not solely for the possession or use of such firearm, firearm accessory, weapon, or ammunition.**

Accepting aid from any federal law enforcement agency in an effort to enforce the laws of the state made in pursuance to the constitution of the United States and the constitution of the state of Kansas.

HB 2803 will not deter Kansas law enforcement personnel from catching the bad guys. The bill will prohibit an agency of the state, a political subdivision of the state, and their employees from knowingly and willingly participating in any way in the enforcement of any federal act, law, executive order, administrative order, rule or regulation regarding a firearm, firearm accessory or ammunition against a law-abiding citizen.

HB2803 creates a process for a person harmed by a violation of the act to "bring an action in a court of competent jurisdiction for injunctive and other relief." It also includes a \$50,000 fine for any municipal agency that hires a person who previously violated the law.

In conclusion, HB 2803 protects the most primary law of nature, the right to self-defense while still permitting our law enforcement agencies to uphold the law and deal with the criminal elements of society. Many other states have passed similar legislation in recent years to nullify federal law over a variety of issues. I and all the law-abiding citizens of the great state of Kansas urge you to support HB 2803.

Respectfully,



Michael Houser
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