

Good afternoon, Chair and committee members.

My name is Chris McGowne, and I am an attorney for, among other things, the Kansas State Rifle Association. I am also a lifetime member of the KSRA and NRA.

I am here today to testify in support of the proposed constitutional amendment. This is a needed change that will protect responsible gun owners in this state for years to come.

The Kansas bill of rights, section § 4 and the US bill of rights 2nd Amendment formulate the basis for all persons to exercise their right to ownership of firearms. In 2008, the Heller decision was a landmark Supreme Court case that established that the Second Amendment protects an individual's right to bear arms for self-defense. In 2010, that right was incorporated through the 14th amendment to be applicable to the states. In other words, it is now the law of the land that US citizens have the right to keep and bear arms as was intended by the founding fathers. In 2016, in *Caetano v. Massachusetts*, the Court in a brief opinion clarified that “arms” within the meaning of the Second Amendment encompass modern arms, including stun guns, that did not exist at the time of the founding.

In 2022, In the Bruen decision, the Court held that the protections of the Second Amendment extend beyond the home and announced the standard to be used in assessing Second Amendment challenges to firearm laws: when the plain text of the Second Amendment covers the regulated conduct, the Constitution presumptively protects it; to justify a regulation of that conduct, the government must demonstrate that a challenged law is consistent with the nation’s historical tradition of firearm regulation. This is the standard by which laws passed at the state and federal level are viewed when challenged in *federal* court.

The standard under the Kansas Constitution is a bit more convoluted. There have previously been various laws enacted, and other court cases that have had some conflicting outcomes. In other words, 2nd amendment jurisprudence in Kansas is far from settled.

This amendment is simple. It would merely enshrine in our constitution a standard of constitutional review that is applicable to other fundamental constitutional rights such as the first amendment or certain suspect classes. In other words, it would

ensure that any laws that infringe on the fundamental right to own and bear arms are treated the same as other laws that infringe on fundamental rights.

I understand that there is, at times, a lot of discussion or concern around this amendment. So there are few important things to note. First, this would only apply to challenges of laws under the state constitution, not the federal constitution. And second, this would not infringe on any federal laws passed and ultimately upheld. In other words, it would not impede federal enforce of laws that are deemed to be constitutional.

This merely ensures that the right to bear firearms is no longer a second-class amendment, something that certainly Kansas citizens support, and would align with the intent of the framers of both the US and Kansas constitutions.

We humbly ask that you support the thousands of guns owners in this great state and send this proposal out of committee.

Thank you, I am happy to take any questions.