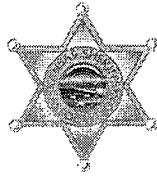




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**Testimony to the Senate Federal and State Affairs Committee
Reference SB454
March 8, 2012**

Chairman Brungardt and Committee Members,

Thank you for allowing me to speak today at the hearing on SB454 even though I had not previously signed up. The purpose of this testimony is to point out the breadth of the policy decision in SB454 section 2 regarding the change in definition of a firearm. As I listened to the testimony and explanation of the bill I was struck by the fact no one mentioned the potential impact the amendment to the definition of firearm could have on numerous criminal statutes. This testimony should be considered neutral because we have no specific opposition to the recommended changes. However, we want to bring to your attention a point of concern that may result in an unintended consequence if not fully explored.

Since this amended definition is located in Chapter 21 of the statutes, the new definition will be applicable to every statute in Chapter 21 where the word firearm is used. As the committee deliberates the policy decision placed before you with the amendments in section 2, we ask you to also consider how the change will impact the various criminal statutes. There may be other statutes similarly affected by the new definition. But these are some that come to mind. We also understand the opportunity for "antique firearms" or "starter pistols" that may be converted to fire projectiles to be involved in these crimes is not common. This is only a partial list of crimes using the term "firearm."

- KSA 5914 (b)(1)(A) as used in determining severity level for introduction of a firearm into a correctional institution.
- KSA 21-6301 (a)(7) transferring a firearm to a person under 18 years of age; (a)(7) transferring a firearm to a person who is addicted to and an unlawful use of controlled substances; (a)(11) possession of a firearm by a person who is addicted to and an unlawful use of controlled substances; (a)(11) and (12) possession of a firearm on school property; (a)(13) possession of a firearm by a mentally ill person subject to involuntary commitment.
- KSA 21-6302 carry a concealed firearm without a CCH permit.
- KSA 21-6303 Criminal distribution of a firearm to a felon.
- KSA 21-6304 Criminal possession of a firearm by a felon.
- KSA 21-6308 Criminal discharge of a firearm.
- KSA 21-6707 Crimes involving a firearm.

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Sn Fed & State
Attachment 3
3-8-12