

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman John Edmonds at 1:30 P.M. on February 9, 2006 in Room 313-S of the Capitol.

All members were present except:

Representative Kenny Wilk- excused

Committee staff present:

Athena Andaya, Kansas Legislative Research Department

Dennis Hodgins, Kansas Legislative Research Department

Mary Torrence, Revisor of Statutes Office

Carol Doel, Committee Secretary

Conferees:

Representative Richard Carlson

Senator Phil Journey

Keith Wood, NRA-ILA

Kelly Johnston, Interfaith Ministeries

Ernestine Krehbiel, League of Women Voters

Others attending:

See attached list

Chairman Edmonds opened the floor for bill introductions, and introduced Representative Cox who requested a bill concerning annuities. With no objections, this bill was accepted for introduction.

Representative Burroughs requested the introduction of a bill - an act concerning work environment related to dues and powers of guardians. With no objection, this was accepted for introduction.

The Chair requested a bill having to do with inspections for wood destroying insects which was accepted for introductions, and a bill having to do with inspections appraisals on certain vehicles which also was accepted for introduction.

At the Chairman's request, Counselor Athena Andaya, Legislative Research Department, gave a briefing on the current laws and regarding use of deadly force for protection.

Chairman Edmonds opened the floor for public hearing on **HB 2577** - Use of deadly force to protect persons and property; when justified.

Representative Carlson was recognized as a proponent of **HB 2577**. The Representative related that this is not a gun bill, but a victim rights bill. This bill authorizes the use of deadly force against force, without the duty to retreat, wether it be in ones' home, vehicle or any public place where one had the right to be, without fear of criminal prosecution and immunity from civil action. It codifies into statutory law ancient common law, the Castle Doctrine, that says your home is your castle and you have every right to protect it. (Attachment 1)

Senator Phil Journey addressed the Committee in support of **HB 2577**. In his testimony, the Senator stated that the bill amends three statutes, K.S.A. 21-3211, 21-3212, and 21-3213. He further related that these three statutes are the current embodiment of the right of self defense and codify basic tenets of common law that flow from the natural rights given to all of us by our creator. The bill will help juries determine the appropriate outcome of cases where self defense is asserted by the defendant. It will also help clarify the law for law enforcement and for the citizens of the state of Kansans. Senator Journey urged the Committee to pass out **HB 2577** unamended in its current form. (Attachment 2)

Keith Wood appeared on behalf of the National Rifle Association supporting **HB 2577**. In his testimony, Mr. Wood stated that this is not a "get out of jail free card", but rather sound public policy that creates rebuttable presumptions that favor the law-abiding over the criminal. He also stated that it is not a gun bill and it is not a partisan issue. On behalf of his organization and the members, he urges support of **HB 2577**. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House Federal and State Affairs Committee at 1:30 P.M. on February 9, 2006 in Room 313-S of the Capitol.

Written testimony regarding **HB 2577** was received from the Kansas Sheriffs Association. They are not opposed to the bill, but are requesting that the Committee work with the Attorney General's Office as to the legality and language to ensure that the best is being done for Kansans. (Attachment 4)

With no other proponents of **HB 2577**, the Chairman opened the floor to the opponents and recognized Kelly W. Johnston who represents Safe State Kansas/Inter-Faith Ministries. His testimony related that Safe State believes that the law should not be changed. They opined that too often, new legislation creates "unintended consequences". Mr. Johnston went over the six sections and gave his organizations separate analysis of each section. (Attachment 5)

Mr. Johnston also submitted information regarding the NRA Gun Safety Rules. (Attachment 6)

Ernestine Krehbiel, Co-President of the Wichita Metro Area League of Women Voters appeared as an opponent of **HB 2577**. In the League's opinion this bill could have many unintended consequences. Nothing in the law would preserve the rights of an innocent bystander who was shot in the incident to pursue a civil action against the shooter for negligence in the handling of a firearm. They also feel that it may give cover to real criminals who use this as their defense. They also expressed the concern that the bill has not had careful consideration and urge a vote against **HB 2577**. (Attachment 7)

There was no other person wishing to address **HB 2577** and the Chairman closed the public hearing.

With no further business before the committee, Chairman Edmonds adjourned the meeting.