

By EARL WATT

- Daily Leader

Liberal is a destination city for hunters across the country.

The pheasant and deer hunting in this area has attracted country music singers and rock stars alike.

But a recent review over an adopted ordinance has some concerned about its interpretation when applied to hunters.

By law, it is illegal to transport a firearm in a vehicle unless the weapon is unloaded and kept in a container.

There is an exception for hunters and fishermen who are “engaged” in their activity.

Does taking a break from the field and coming to town for breakfast meet that criteria?

Liberal City Commissioner Larry Koochel said he had been asked about the law after hearing that a hunter had been fined for carrying his shotgun in his vehicle.

City prosecutor Shirla McQueen explained the law during the Liberal City Commission meeting Tuesday.

“There is an exception to the criminal use of a weapon if you are a fisherman or a hunter,” she said. “The prosecution team has interpreted that as if you are coming from or going to hunting. I have never prosecuted a hunter.”

Liberal City Commissioner Dave Harrison had a concern that in his line of work, he has a firearm to chase off predators, and if he were to drive through town from one field to the next, he would be violating the law.

Mayor Joe Denoyer explained that it would not be a violation if he had the gun unloaded and in a case.

“That’s kind of a trick, though,” Harrison said.

The ordinance in question was adopted when the Uniform Public Ordinance Codes issued by the Kansas League of Municipalities was adopted by a previous commission.

“The City can opt out of that provision,” McQueen said. “We can draft an ordinance to do that as long as it is not inconsistent with state law.”

Since Police Chief Al Sill was in attendance, Harrison asked his opinion.

“I think it is fine the way it is,” he said. “I don’t like the thought of people driving through the city limits of Liberal with exposed firearms for any reason. I can see what the prosecutor is saying and I agree with her if they are involved with a legal activity and exceptions can be made, and I think our officers are wise enough to make those choices without burdening the court. The way it is written gives our officers the lattitude to enforce activity that we consider undesirable in the city limits of Liberal.

I certainly don’t want people who have no business with firearms going around scaring people.”

As for the application to hunters, Sill said he was a hunter himself, and that most of the hunters he knew were familiar with the law and were willing to abide by it.

“Hunters value their firearms and they will not transport them in the city for fear they will get stolen,” he said. “I have never heard of a real concern until now. If you look back on our statistics there are very few times we have cited people for that violation, and when we have it was for activity they had no business being involved in, so we use that to control exposed firearms. I’m a hunter myself. You can’t go through Wichita, Salina, Liberal or other towns with exposed firearms.”

McQueen stated that in her seven to eight years as the city’s prosecutor, she couldn’t recall a case until the past few months, and in every case that involved a hunter, she dismissed the charges.

However, if a hunter did not know of the exception to the law and paid the fine, McQueen said that could have happened without her knowledge since she only gets involved in cases that are challenged.

Still, the situation for ranchers who fend off predators still existed, and there was no exemption in the law for them.

“If I am on both sides of town, I have to stop, put my gun in my case and travel through town,” Harrison said. “That’s probably not going to happen. Some operate on all four sides of town.”

Sill believed that the officers would use sound judgement in those cases.

“I believe our officers would use wise discretion for those who are using that as part of their occupation,” he said. “If the officer was to choose to cite someone for that, we have the court system who can handle the situation. I’m sure you are aware of our recent shooting.

We don't want people carrying firearms as they see fit. I think our officers are well-suited in making the appropriate decision."

Liberal City Commissioner Bob Carlile asked Sill about the handling of the concealed carry law.

"Provided they have the proper documentation and they are certified, they are able to carry a concealed weapon," Sill said.

Sill also pointed out that the law was adopted across the state's municipalities.

"This is not unique to Liberal," he said. "It is a UPO that was adopted throughout the state. It was put in place for a good reason.

I would have to see a lot more evidence to support taking that off than what I have seen so far. We're not in the wild, wild west, and we don't want people walking up and down the street with weapons any more than we do having them in their cars."

While it would be an inconvenience for hunters, Denoyer agreed with Sill.

"I support the right to bear arms and the hunters," he said. "I see leaving it like it is. Is it an inconvenience to case your gun? Yes.

In some instances, seatbelts are an inconvenience, putting children in safety seat is an inconvenience, but we do it. It's the law."

While the law may be universal in Kansas, Koochel wanted to know how other cities are

handling it.

“What I would like to know is what other cities are doing,” he said.

“I have a fella that works for me that took a concealed weapons class at the college. They teach you how to carry the gun. You can carry a gun legally as long as it is not concealed. Many have it in their motorhomes traveling through town.”

Sill said the risk to officers enhances if someone has ready-access to a firearm in their vehicle.

“The reason for the statute the way it is worded to have it contained within a container is so you don’t have ready-access to it,” he said.

“If you conceal it, that heightens the risk to our officers. If you have it contained within a box, then the owner doesn’t have ready-access to bring immediate harm on someone. The two things that are most dangerous to the officers are the danger they can’t see and an immediate threat where they can’t react.”

But Koochel didn’t think those looking to do harm would be complying to avoid a fine.

“I doubt whether a person driving around town looking for a little action will have his gun concealed,” he said.

That returned the discretion to the officer.

“That gives officers more authority to remedy that situation without committing another crime,” Sill said. “They can deal with it quickly if they come across a weapon.”

Firearm restricton in vehicles could lead to fines

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The commission asked the city staff to research other communities to see how they handle the situation.