To: Board of County Commissioners
   Penny Postoak Ferguson, County Manager
From: Cal Hayden, Sheriff; Peg Trent, Chief Counsel
Date: August 26, 2021
Re: Discharge of Firearms Across Property Boundaries in the Unincorporated Area

Issue: Resolution No. 052-21. Regulating the Discharge of Firearms across Property Boundaries in the Unincorporated Area of Johnson County, Kansas.

Suggested Motion: I move to adopt Resolution No. 052-21 Regulating the Discharge of Firearms across Property Boundaries in the Unincorporated Area of Johnson County, Kansas.

Background: The number of incidences involving stray bullets has increased over the years in the unincorporated area as the County has become more urban and less rural. The Board has recognized the need for public outreach and education and adopted Resolution 069-20 urging and promoting the safe and responsible discharge of firearms. The Sheriff’s Office has dedicated resources to promote the safe use of firearms but the frequency of complaints related to firearm discharge has not been significantly impacted.

Analysis: The Johnson County Sheriff recommends the Board exercise its home rule authority to regulate the discharge of firearms that results in a projectile leaving one property and entering upon another. There is no intent to prohibit hunting or sport shooting but only to address those situations where unsafe practices result in a bullet or shot leaving the property where the shooting takes place. Target shooting is allowed under the proposed regulation but a violation occurs if a projectile leaves the property and crosses onto the property of another without permission. The regulation would make it an offense, for example, if during target practice a stray bullet left the shooter’s property even if the bullet simply passed over the adjoining property line without actually striking a neighbor’s home, car, tree, or other property. Complaints will be investigated by the Sheriff’s Office and a violation will be prosecuted in Johnson County District Court, County Codes Division, with a minimum fine of $500 up to a maximum of $1000. This regulation would not replace the existing state statute relating to criminal discharge of firearms but would provide the Sheriff the ability to cite persons on a non-criminal basis for the careless and dangerous use of guns.

Funding Overview: There is no additional funding necessary to implement the proposed regulation.

Alternatives: The Board may approve the proposed regulation as presented or with modifications as determined necessary by the Board. The Board may elect to leave the discharge of firearms unregulated.

Recommendation: The Johnson County Sheriff’s recommends the Board approve the resolution allowing for the regulation of the discharge of firearms across property boundaries in the unincorporated area.

Purchasing Review: This item does not need Purchasing approval.
Budget Review: This item has no budgetary impact.

Legal Review: The Legal Department has reviewed the attached Resolution No. 052-21 and it has been approved as to form.