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Testimony in support of HB 2350
House Committee on Corrections and Juvenile Justice
February 15, 2023

Chairman Owens, Vice-Chairman Smith, and Committee members,

My name is Jeff Richards, and I serve as the Sheriff of Franklin County. This afternoon I am testifying in support of House Bill 2350, on behalf of the Kansas Sheriffs Association, Kansas Peace Officers Association and the Kansas Association of Chiefs of Police. Thank you for allowing me the opportunity to speak with you today about this important proposed legislation.

As each of you know, Kansas does have a statute which establishes human trafficking as a crime (KSA 21-5426). However, there is a gap in the law, which is why I believe we need to address the circumstances of human smuggling.

The U.S. Department of Homeland Security, Immigration and Customs Enforcement, explains the difference between Trafficking and Smuggling this way; “Human trafficking involves exploiting men, women, or children for the purposes of forced labor or commercial sexual exploitation. Human smuggling involves the provision of a service—typically, transportation or fraudulent documents—to an individual who voluntarily seeks to gain illegal entry into a foreign country.” The U.S. State Department and the United Nations also have similar definitions. To put it more simply, human trafficking goes against the known will, or consent, of the individual being trafficked, as the statute reads, “Through the use of force, fraud or coercion for the purpose of subjecting the person to involuntary servitude or forced labor.” Whereas, human smuggling involves the consent of the person being smuggled. Often times the person being smuggled has made a significant financial payment to the smuggler, or smuggling organization.

Even with this distinct difference, there are similarities which demand that we take action to protect those being smuggled, and our communities. The best way I can find to emphasize this is to highlight for you an overview of a couple cases we have worked, in Franklin County.

The first case involves a business, which has two locations in Franklin County, and locations in at least two other Kansas counties. Most of the workers in this business entered the United States unlawfully, through the use of “coyotes”. These individuals made payment to a cartel in Mexico, for safe passage into the United States. Once in our country, they were hidden in “stash” houses, or “flop” houses. They have described the conditions of these houses as deplorable. There are typically a large number of people, with limited food and water, and generally only one working bathroom, if one is provided. They can stay there anywhere from

over-night, to several weeks. These people explained that they were moved from location to location while being concealed in vehicles. We were told that during their journey to Kansas they were mistreated by their smugglers, which ranged from food and water deprivation, physical abuse, rape and sometimes even murder. When they arrived at their destination, they met with representatives from the business. There they are provided with employment documents, a work schedule, and a place to live. They are required to live in the house provided by the business, and they pay their rent payment to someone at the business. Although they are paid for the work they provide, the pay rate is not typically the same an American citizen would receive. The cost of the rent is also higher than most people would pay. The work schedule is usually 6 or 7 days a week. The workers I have interviewed do not consider themselves victims, as they understood the working arrangements prior to their arrival. I believe the business owner is taking great advantage of these people, and is using the “loophole” in the law to do so.

Another case involved a vehicle pursuit, which originated in Lyon County, and ended in Franklin County. The driver of the fleeing vehicle was transporting several individuals being smuggled to various locations across the United States. At one point during the pursuit the driver slowed down enough to allow the individuals the opportunity to flee the vehicle. The pursuit continued, and ended when the driver intentionally crashed head-on into one of my Deputies. After the crash, the smuggler carjacked a vehicle by forcing the driver out with a weapon. The incident was resolved with the driver eventually being taken into custody. This driver has since been convicted of various crimes and sentenced to prison. This is just one example of what we have seen across our nation. The smugglers have no concern for the people being smuggled, as they are considered “cargo”, and the means of a paycheck. Smugglers will go to great lengths to avoid law enforcement.

I have other stories I could share, and I am sure most law enforcement officials could as well. The purpose of sharing these is simply to point out that this is not just a border problem; it is here in Kansas as well. Human smuggling not only endangers the lives of those being smuggled, but also poses a danger to the citizens of our communities and our state.

I want to encourage each of you to support this bill, not because Kansas law enforcement supports it, but because it is good legislation. It sends the message that Kansans place a high value on the dignity of human life, and that all people deserve to be protected. Thank you for your time and consideration.

Sheriff Jeffrey O. Richards
Franklin County, Kansas