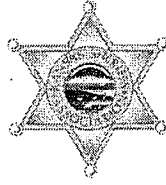




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**Testimony to the House Federal and State Affairs Committee
In Opposition of SB276 as Amended by the Senate Committee
March 6, 2012**

Chairman Brunk and Committee Members,

The Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association oppose SB276 as amended by the Senate Federal and State Affairs Committee. This bill started as a question over who was going to pay for the records check. We were not concerned with that proposal. However, the Senate committee chose to amend the bill to just doing away with the records check and allow felons to work in private clubs. That change has caused great concern among our members.

We understand the long held rule to not allow felons to work in private clubs was established prior to when some crimes were classified as felonies that perhaps may not cause alarm in these employment positions. But we must also remember that many persons convicted of felonies should not be working in these types of establishments.

Do we really want a person convicted of rape serving alcohol and interacting with the female patrons on ladies night? Do we want the felon who got into trouble because they can't control their temper while intoxicated working in a private club? How about the identity thief or the dealer of cocaine or other illegal drugs? To suddenly swing the pendulum to the other side of the issue and allow any felon to work in these environments seems to be inviting big problems as well as producing material ripe for post card mailing later this year. The discussions in the Senate included the belief club owners have an interest in not hiring felons and they would control this themselves. However, we know from experience that many would not.

Our first preference is to just leave this provision as is and let the interested parties work with the ABC over the interim for a better solution to the records check cost issue. There is an array of other options available. But it will be difficult to control this aspect of the licensing process without someone required to conduct the records check.

It is not clear to us who advocated for doing away with the convicted felon prohibition leading to the Senate committee's action. So it is difficult to provide a solution to address the problem they were trying to fix while still offering adequate protection afforded to club patrons to be free from

House Federal & State Affairs

Date: 3-6-12

Attachment #

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exploitation by a dangerous felon. For this reason we believe the prudent thing to do is to restore the stricken language on page 1 lines 12-16.

We are also unsure if striking lines 17-22 on page 1 is a good idea. If our memory serves us correctly, that provision was designed to prevent a person who held a license which has been revoked for violations from simply transferring the business to another person while they actually continue to work in and perhaps operate the business. Another scenario where it is useful is to keep an employee from simply jumping from one club to another after being caught in liquor violations. It is another area where some revisions to limit the scope of the prohibition may be wise if there is an identified problem. For example, we believe the prohibitions applied to persons who have sold to underage people or committing other violations of illegally dispensing alcohol offers a strong incentive to not break those laws. But it also appears to be a matter requiring more thought and work by the interested parties including the ABC before changing the statute. Therefore we suggest restoring the stricken language and allowing the ABC to work on a better solution during the interim.

We have a vast amount of experience with poorly managed clubs that generate crime problems. Many of these crime problems are not the type the ABC get involved with and in many cases may not even be aware of. Drug dealing, prostitution, sex crimes, illegal gambling, and financially motivated crimes are not uncommon. The mishandling of small disturbances often cause those problems to merely move outside and grow into more intense and more violent disputes. Many of those problems are generated or exacerbated by employees of the clubs. It is not uncommon for a problem club owner to ignore them if addressing them will harm profits. Currently those employees cannot be felons and cannot be prior offenders of the liquor laws. We strongly support continuing the provision in current law, at least until a better solution to any identified problems with the law can be developed.

In summary, our recommendation is to reinstate the stricken language on page 1 lines 12-22.

Our associations stand ready to work with other interested parties on these matters.

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