

Senate Judiciary Committee Testimony

Senate Bill 282

Forfeiture of Vehicle Used in Felony Attempt to Elude

January 19, 2012

Chairman Owens and Committee Members,

In addition to the testimony already offered by Chief Klumpp I would like to add my voice to those supporting SB 282.

- Vehicle pursuits do, indeed, continue to occur at unacceptable rates across our nation and in Kansas.
- Statutes have been changed to make fleeing from law enforcement officers a felony.
- Law enforcement does continue to improve training and take steps to reduce these risks by developing model policies, improving training, involving supervisory review of an in-progress pursuit, and evaluating any video obtained during the pursuit.

But the undeniable facts are that the decision to initiate these dangerous pursuits is in the hands of the violator. While it is clear that the decision to stop the vehicle was initiated by the law enforcement officer, it is equally clear that the decision to initiate the pursuit was the responsibility of the violator. That person made a conscious decision to place the community in serious danger. It is also a fact that most pursuit related crashes involve the pursued vehicle and not the law enforcement vehicle. These violators show will full, wanton, disregard for the lives of innocent citizens. Adding the crime of "felony attempt to elude" to the list of crimes allowing for forfeiture is a reasonable penalty considering the danger caused by the violator.

Chief Klumpp outlined K.S.A. 8-1568. Each of the elements of this crime clearly shows the intent of the suspect. These individuals are criminals, not just traffic violators. Additional deterrent effect is reasonable.

You've already heard that this proposal will not require additional bed space in correctional facilities. It does not create a new crime. What it will do is result in a safer Kansas and hopefully reduce the damage and injury inflicted by these criminals.

We urge you to recommend this bill favorably for passage.

Respectfully,

Ronald L. Miller
Chief of Police
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