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**Testimony to the House Corrections and Juvenile Justice Committee
In Support of HB2034
January 30, 2013**

Chairman Rubin and Committee Members,

The Kansas Association of Chiefs of Police, the Kansas Sheriffs Association and the Kansas Peace Officers Association supports the provisions of HB2034 amending the search warrant authorization statutes. These amendments are critically necessary after the US Supreme Court ruling in US vs. Jones on January 23, 2012.

The Jones case created a requirement for a search warrant to use GPS, or tracking devices, on automobiles and reversed years of lower court opinions on the matter. The problem created for Kansas law enforcement is the current search warrant statutes do not include any provisions specific for issuing such warrants. This has resulted in some judges not issuing such warrants. A more critical matter is the current Kansas search warrant statutes only have procedures for what we will call a “common” search warrant. One in which we conduct a search, leave a copy of the warrant and a list of the items taken. Kansas search warrants are also only valid for a very limited time period. With GPS tracking devices none of these procedural conditions make sense and, in fact, negate any chance of the successful discovery of investigatory information and evidence of a crime for which the warrant is sought.

This bill is a comprehensive approach to remedying these problems in current Kansas law and clearly authorize warrants many other states currently allow. But most importantly it will provide a reasonable mechanism for obtaining a search warrant for tracking devices and the procedural requirements associated with this special need created by the Jones decision.

We respectfully request your support to recommend HB2034 favorably for passage. Doing so will restore law enforcement’s ability to use this important investigatory tool in providing public safety in Kansas.

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