

Thank you for the opportunity to testify in support of SB 92. This bill, quite simply, will assist in the proving of a hypothesis; is there is a link between pornography and sex crimes? Many scoff at this idea, and I am not insinuating that pornography causes a person to become a sexual criminal. I firmly believe that the research conducted by Dr. Stanton E. Samenow, best known for his seminal work in the Program for the Investigation of Criminal Behavior, is compelling in showing that criminals **choose** to commit their crimes. Dr. Samenow's research is used by the FBI's Behavioral Science Unit. The research has shown that what a person's environment offers or lacks is not decisive in his or her becoming a criminal. However, that is not to say that it doesn't influence behavior.

A person already thinking about committing crimes may pick up ideas from the media, television crime dramas, and pornography, particularly the variety known as S&M – sadomasochist. Dr. Samenow's work shows that these stimuli may even cause a person thinking of committing such acts to **become more confident** that they can successfully perpetrate the crime.

I will say, from my own personal experience of nearly 20 years as a law enforcement officer that pornography, hard core, sadomasochistic pornography, was often found at violent crime

scenes. Not all of these crime scenes were sexual in nature but all of the crime scenes I am referring to were violent crime scenes.

I can also speak to my own daughter's sexual assault and murder. S&M pornography, printed material as well as video material, were located in the perpetrator's home. He had a criminal arrest record of other sex-related crimes.

The collection of this data is done by simply checking a box on the Kansas Standard Offense Report (KSOR). The KSOR is the document that is submitted to the KBI while a property report/evidence log is not. The KSOR makes it a simple operation to report on this data. This data can be made available to crime analysts and researchers who can then study the data. We *currently* collect this data for persons in Kansas who are on parole or probations. This data is collected to document technical violations of parole/probation conditions but can also be *used for recidivism risk analysis*.

Fiscally minded legislators will no doubt observe the fiscal note on this bill. The cost is not related to the bill, but rather to the patchwork system of computer data collection that we employ. An update to the system is needed as referenced on page 16 of the report from the Justice Center of the Council of State Governments, *Justice Reinvestment in Kansas*. The Kansas Bureau of Investigation needs a state of the art system to move our law enforcement data analysis into the 21<sup>st</sup> century. Lack of resources for data collection, antiquated computer systems that cannot communicate with each other, and few resources for data analysis hamper

law enforcement efforts to work proactively but they do not prevent that work. I believe that funds should be allocated for the computer upgrade, not just for this bill, but as a matter of public safety. I've made my concerns know to the Ways & Means Committee Chairman. That being said, in the 2011 session, HB 2042 (as amended) had **a fiscal note of zero**. I have attached that fiscal note to my testimony. HB 2042 (as amended) was the starting point for SB 92. The two bills are identical with one exception – five words were added, “pursuant to a lawful search.” These words were added to clarify to law enforcement that there is no expansion of search powers due to this bill.

I ask that you find this bill favorable for passage.

Respectfully Submitted,

Sen. Greg Smith

District 21