

CALVIN H. HAYDEN
SHERIFF



DOUGLAS G. BEDFORD
UNDERSHERIFF

DUTY HONOR SERVICE

588 E. SANTA FE, SUITE 2000
OLATHE, KS 66061
www.jocosheriff.org

Testimony to the House Committee on Corrections and Juvenile Justice in Support of SB 45

March 11, 2020

Chairman Jennings, Vice Chairman Delperdang, Ranking Member Highberger, and Committee Members,

This bill was requested last year by the Johnson County Sheriff's Office and we refer to it as "Brandon's Law." It is a response to a tragedy that occurred on September 11, 2016. Master Deputy Brandon Collins had pulled over a vehicle at approximately 1:30 a.m. on northbound U.S. 69 near West 143rd Street. The vehicle had a light that was not working. The vehicle contained a woman, her husband, and their daughter.

Within minutes of the stop, a pickup truck slammed into the back of his patrol car, engulfing it in flames. The sound of the impact woke up nearby residents. They reported the noise was as "loud as thunder."

The dispatcher attempted to contact Deputy Collins but received no response. There is nothing more chilling to a law enforcement officer than to not hear an officer out on a call for service answer his or her radio. You hope for the best, perhaps the officer is in an area where the radio isn't getting the call, or the reply isn't getting out, but your heart begins to race. Your breathing quickens, and you feel a chill run down your spine – until you hear that officer's voice. However, on that early September morning his voice wasn't heard.

According to Johnson County Master Deputy Christopher Mills, a close friend of Brandon's, who responded that morning to the last known location of Deputy Collins, what he saw is indelibly etched into his mind. Brandon's patrol vehicle had been struck by a truck. Brandon's "body was severely maimed and burned beyond recognition." Brandon is survived by his wife, and two daughters. He had celebrated one of his daughter's birthday just hours before going to work. He is missed by his family, his friends, and his colleagues of the Johnson County Sheriff's Office.

The occupants of the car that Master Deputy Collins had stopped were also injured. The man in the stopped car said that Brandon "was laughing and being playful with his daughter," during the contact with them at their car. He said Brandon had just got back to his patrol car and then there was a "big explosion." He went to try and help but the heat was too intense. The family credits Master Deputy Collins with saving them from further injury because of the way his patrol vehicle was parked - to shield the family's vehicle from danger.

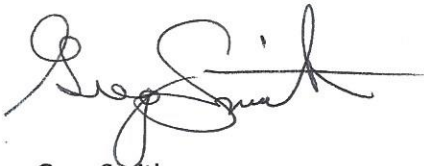
The man who drove a pickup truck into the back of Brandon's patrol car with an impact that caused the car to burst into flames and explode ran away from the scene of the crash. K-9 units were dispatched and located him a short time later. He had been able to flee the area while intoxicated, and relatively uninjured. Sobriety testing done by officers who responded to the scene discovered the Brandon's killer had a blood alcohol content twice the legal limit. Further investigation revealed he had a prior conviction of DUI.

Houston Police Officer Kevin Will was struck and killed by a drunk driver as he investigated another accident on May 29, 2011. Other officers were present – the crash scene was cordoned off – and a VW Beetle passed some of the officers at a high rate of speed. These officers attempted to warn Officer Will, who was further down the road working the crash, of the approaching vehicle but were not successful. The car struck Officer Will and killed him. Investigation of the crash revealed the driver was intoxicated and was accelerating when he hit the officer. The only reason he stopped was the impact with Officer Will caused severe damage to his windshield and that, in turn caused injury to the driver. He couldn't see because of the blood on his face. This killer was sentenced to fifty-five years in prison.

At the sentencing hearing, Brandon's mother submitted a written statement. It was read by Captain Mark Rokusek. In it she had written that, "Every day I wake up with my heart aching for my son. There is not enough space in my heart for hatred, only longing for my son," she said.

"This isn't about hate. This is about justice," our captain told the judge. He asked the judge to consider the maximum sentence for Brandon's killer. The maximum sentence was imposed under Kansas law; penalties for three aggravated battery/DUI and for the killing of Master Deputy Brandon Collins. While that sounds like a severe penalty it amounted to twelve and half years – not counting good time or program credits that could lessen the sentence.

The Johnson County Sheriff's Office echoes those sentiments. This isn't about hate. This is about justice. Justice for the men and women who put on their uniform every day or every night, go to work to help their fellow man, and don't come home. This is to remember Master Deputy Brandon Collins. This bill demonstrates that the people of Kansas support those who go in harm's way. Please recommend SB 45 favorably for passage.

A handwritten signature in black ink, appearing to read 'Greg Smith', with a long horizontal flourish extending to the right.

Greg Smith

Special Deputy for Government Affairs
Johnson County Sheriff's Office
Phone: 913.249.2954
Email: gregory.smith@jococgov.org

2019 SENTENCING RANGES

NONDRUG OFFENSES												
	A	B	C	D	E	F	G	H	I	TERMS		
	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd No Record	PROB	POST REL	GOOD TIME
1	653/620/592	618/586/554	285/272/258	267/253/240	246/234/221	226/214/203	203/195/184	186/176/166	165/155/147	36	36	15%
2	493/467/442	460/438/416	216/205/194	200/190/181	184/174/165	168/160/152	154/146/138	138/131/123	123/117/109	36	36	15%
3	247/233/221	228/216/206	107/102/96	100/94/89	92/88/82	83/79/74	77/72/68	71/66/61	61/59/55	36	36	15%
4	172/162/154	162/154/144	75/71/68	69/66/62	64/60/57	59/56/52	52/50/47	48/45/42	43/41/38	36	36	15%
5	136/130/122	128/120/114	60/57/53	55/52/50	51/49/46	47/44/41	43/41/38	38/36/34	34/32/31	36	24	15%
6	46/43/40	41/39/37	38/36/34	36/34/32	32/30/28	29/27/25	26/24/22	21/20/19	19/18/17	24	24	15%
7	34/32/30	31/29/27	29/27/25	26/24/22	23/21/19	19/18/17	17/16/15	14/13/12	13/12/11	24	12	20%
8	23/21/19	20/19/18	19/18/17	17/16/15	15/14/13	13/12/11	11/10/9	11/10/9	9/8/7	≤18	12	20%
9	17/16/15	15/14/13	13/12/11	13/12/11	11/10/9	10/9/8	9/8/7	8/7/6	7/6/5	≤12	12	20%
10	13/12/11	12/11/10	11/10/9	10/9/8	9/8/7	8/7/6	7/6/5	7/6/5	7/6/5	≤12	12	20%

Postrelease for felonies committed before 4/20/95 are:

24 months for felonies classified in Severity Levels 1-6

12 months for felonies classified in Severity Levels 7-10

Presumptive Imprisonment
Border Box
Presumptive Probation

DRUG OFFENSES												
	A	B	C	D	E	F	G	H	I	TERMS		
	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misd.	1 Misd. No Record	PROB	POST REL	GOOD TIME
1	204/194/185	196/186/176	137/128/117	124/117/111	116/111/105	113/108/101	110/104/99	108/100/96	103/98/92	36	36	15%
2	144/136/130	137/130/122	130/123/117	124/117/111	116/111/105	113/108/101	110/104/99	108/100/96	103/98/92	36	36	15%
3	83/78/74	77/73/68	72/68/65	68/64/60	62/59/55	59/56/52	57/54/51	54/51/49	51/49/46	36	36	**20%
4	51/49/46	47/44/41	42/40/37	36/34/32	32/30/28	26/24/23	23/22/20	19/18/17	16/15/14	*≤18	24	20%
5	42/40/37	36/34/32	32/30/28	26/24/23	22/20/18	18/17/16	16/15/14	14/13/12	12/11/10	*≤12	12	20%

***Distribute or Possess w/ Intent to Distribute

Levels	Cocaine	Meth & Heroin	Marijuana	Manufacture (all)	Cultivate	Dosage Units	Fines NOT to exceed
I	≥ 1 kg	≥ 100 g	≥ 30 kg	2nd or Meth	>100 plants	>1000	\$500,000
II	100 g - 1 kg	3.5 g - 100 g	450 g - 30 kg	1st	50-99 plants	100-999	\$500,000
III	3.5 g - 100 g	1 g - 3.5 g	25 g - 450 g		5-49 plants	10-99	\$300,000
IV	< 3.5 g	< 1 g	< 25 g			<10	\$300,000
V	Possession	Possession	Poss.-3rd offense				\$100,000

Rebuttable Presumption Intent to Distribute
≥450 g Marijuana
≥3.5 g Heroin or Meth
≥100 dosage units of controlled substance
≥100 g of any other controlled substance

* ≤ 18 months for 2003 SB123 offenders

** Retroactive application for offense committed on or after July 1, 2012

*** Severity level increases one level if on or w/in 1000 ft of any school property

