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**Testimony to the House Judiciary Committee
Neutral Relating to HB2394
March 18, 2019**

Chairman Patton and Committee members:

While we understand the proponent's intentions, and we support their ultimate objectives as they were explained to us, our associations have some concerns with this bill. We have been in conversations with the requesters of the bill to discuss our concerns. They have expressed an interest in working with us to find mutually acceptable amendments. However, in its current form we are unable to support the bill.

We support a method to accurately measure cases of child abuse and we support laws specifically aimed at perpetrators of child abuse. We do not support the vagueness in the bill that we believe may unintentionally include law enforcement use of force or restraints, or will expand the application of child abuse through recklessness when there is no intent or reason to foresee the reckless conduct to involve a child. We believe that taints the collection of accurate data on child abuse by including actions that are not typically considered child abuse. In our minds, child abuse is a much more serious charge (in label if not in severity level) and should be reserved for acts done intentionally or knowingly where a child is the intended target of the action, or recklessly when a child is involved in or directly exposed to the reckless action.

Based on responses from our members and from a group of police legal advisors and attorneys representing cities and counties in law suits, we believe the violation in subsection (a)(1) on page 1, lines 13-15; and the "physical restraint" provisions in subsection (b)(4) on page 1, lines 26-29, should include an exception such as, "the reasonable use of force or restraints by a law enforcement officer acting in the performance of such officer's duties." This would be consistent with the provisions in KSA 21-5411, the criminal restraint statute. We also would like to further explore if that is needed in subsection (b)(5). These provisions are our main areas of concern regarding law enforcement operations.

We are asking that you look at these sections very closely. We are not opposing the intent of the bill or recommending any specific amendment at this point but would prefer time to work with the proponents on possible clarity and solutions.

Ed Klumpp
Legislative Liaison