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**Testimony to the House Transportation Committee
In Support of SB62
March 12, 2019**

Chairman Proehl and Committee members:

SB62 is offered with the support of our three associations. This is an issue that we have heard raised more frequently in recent years. This year we had multiple requests to pursue this bill from line officers, supervisors and command staff from various agencies. Our associations considered the request and all three wanted to support the bill.

When our members started inquiring about proposing this bill, we found other states had implemented similar statutes in various forms and various breadth of application. We fashioned this proposal after the S. Carolina statute. In working with revisors it was suggested we establish a separate statute rather than blend the proposal with the emergency vehicle operation statute like S. Carolina had done. We agreed the revisor's suggestion added clarity. It also allows more restrictive limits to the exemptions.

This is a substitute bill because after the hearing in the Senate, we spoke with Senators and the Trial Lawyers about concerns they had with the original language of the bill. Based on those conversations we made major changes to the bill and the Senate Committee chose to make the bill a substitute bill. The substitute bill passed the Senate 34-4.

Key provisions you will find in the bill start in subsection (a) where the wording provides a link to KSA 8-1506 and indicating only when those provisions create a situation that impedes a law enforcement action can the exemptions in this bill apply. This states a need to comply with KSA 8-1506 absent such an articulable exception.

In subsection (a)(1) through (a)(5) [Page 1, lines 16-32] are the narrowly defined circumstances where these exemptions can apply. It is not open ended but related to certain police activities. These situations range from basic traffic activity to responding to criminal activity and include:

- When expediting a response when in the proximity of calls such as prowlers, home invasions, crimes in progress early activation of emergency equipment may induce injury to a person, destruction of evidence, or a person to flee.
- Monitoring for criminal activity or
- Engaging in surveillance of suspected unlawful activity.

The most important provision is on page 2, lines 16-18, which clearly states the law enforcement vehicle driver is not relieved “from the consequences of reckless disregard for the safety of others.” This is very important. We train our officers to conduct operations safely and reasonably. If an officer acts unreasonably or recklessly the officer can and should be held accountable.

In subsection (b), are the actions which the officer may perform when the conditions in (a) are met. These are more narrowly defined than those found in KSA 8-1506.

The actions this bill allows are what experts refer to as acceptable police practices. They include actions that enhance officer and public safety when responding to certain calls and surveillance of suspected violators. They include:

- Red lights, with added provision the vehicle must be brought to a stop before safely proceeding. [Subsection (b)(1), page 1, line 36-page 2, line 2]
 - Responding to and in the proximity of calls such as prowlers, home invasions, crimes in progress.
 - Surveillance operations.
- Speeding when done reasonably and not endangering life or property. [Subsection (b)(2), page 2, lines 3-6]
 - Limited to not more than 15 mph over speed limit, except when
 - Obtaining evidence of a violation, such as pacing a speeder, catching up with a violator, or while attempting to keep a suspect under observation.
- Turning and directional movements. [Subsection (b)(3), page 2, lines 7-9]
 - Turning movements to pursue violators or more quickly arrive at call.
 - Short distances on one-way street to approach calls such as prowlers, home invasions, crimes in progress.
- Passing through toll booths after slowing for safe operations. [Subsection (b)(4), page 2, lines 10-12]
 - Surveillance operations.
 - Catching up with violator.

The exception in subsection (c) is to allow law enforcement vehicles to park in locations where parking is restricted but only for official law enforcement purposes. For example, stopping in the median of a highway for traffic enforcement or parking when responding to calls for service.

We believe these exceptions are reasonable and are in line with common and acceptable police practices and are proposed with proper balance with officer responsibility to act in a reasonable and safe manner. It will help relieve officers from the moral dilemma of being expected to perform certain activity which technically is not lawful. We urge you to move this bill forward favorably.

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