



Kansas Association of Chiefs of Police
PO Box 2163, Hutchinson, KS 67504 (620)899-4122

Kansas Peace Officers Association
PO Box 2592, Wichita, KS 67201 (316)722-8433



**Testimony to the House Corrections and Juvenile Justice Committee
In Opposition to HB2349
February 22, 2021**

Chairman Jennings and Committee Members:

There are some things in this bill that seem like reasonable amendments to our offender registration system. There are others that we are concerned about. Our concerns are large enough to have driven us to take a position of opposition to this bill.

We believe the offender registry is a tool that greatly enhances peoples feeling of public safety. As we often engage our communities, we are constantly exposed to people’s concerns about the safety of their neighborhoods and especially of their families. The registry is often brought up by our citizens in that discussion. We contend the registry is not about punishing the offender and not focused on rehabilitation of the offender. With sex offenders we strongly believe the public should have the right to know if a person in their neighborhood where their children play or visit may be exposed to a higher risk of sexual victimization. Likewise, the public has a right to know if a drug dealer or drug manufacturer is in their neighborhood. We believe Kansas should continue to comply with the federal Adam Walsh Act in the design of their offender registry systems.

With that introduction, we will address some specifics in the bill.

What We Support

First, we want you to know the proposed process for judicial review of an offender for possible release from the offender registration seems to us to be a reasonable and balanced approach to considering an individual case and the merits of shortening the length of a registration period. We believe it will provide incentives for offenders to continue in treatment and other programs.

We also support the provisions on page 26, lines 14-17, carving out a misdemeanor level crime when an offender on the registry for a misdemeanor offense violated the act.

What We Oppose

We are concerned the bill appears to completely eliminate juveniles on the registry. See page 19 lines 24-28 and page 39 line 7 through page 40 line 23. We would agree with the recommendations to the point the juvenile registration requirements are probably too broadly

applied. However, we believe a juvenile who commits what would be an off-grid, or SL 1, 2, or 3 sex crime if they were an adult should be retained on the public registry within the current guidelines for judicial discretion of it being public, especially they are age 16 or 17. Even if the number of juveniles who reoffend on these crimes is small, how do you explain not allowing this public access to those whose sons and daughters become a victim to even a small number of repeat offenders.

We are also opposed to the very dramatic drop in penalties proposed for those required to register but don't do so. See page 25 lines 21-31. What is now a SL6 felony violation is reduced to a B misdemeanor; what is currently a SL5 felony is reduced to an A misdemeanor; and any enhancement to a felony for repeat offenses is non-existent. On page 25 line 34 you will see the bill reduces the penalty of an aggravated violation of the act from a SL3 to a SL8 felony. This takes it from a severity level that is entirely presumptive imprisonment to a severity level that is nearly all presumptive probation. Even if sentenced to prison the length of sentence is reduced to about 9-17% of the current sentence depending on history category. We find zero reasonableness in such a reduction and believes it flies in the face of public safety and the citizens right to easily access that information. We believe even if a reduction is in order, this level of reduction is unacceptable. It can include those that do not register, move and attempt to conceal their whereabouts.

One of the most common concerns we hear from residents in our neighborhood meetings is drug houses where sales are conducted. The cause for that neighborhood concern is because of the many other serious crimes occurring at those locations typically precipitated by the illegal drug activity. Those crimes go beyond disruption of peace and quiet and neighborhood tranquility. They include drive-by shootings and other acts that can directly impact the life and safety of everyone around. We are pleased this bill does not eliminate the drug offender registry but concerned it closes part of it to the public while retaining it for law enforcement use. The bill eliminates the public access to the drug registration for distribution violations. (See page 41, lines 13-17, referencing "subsection (c)(1)(B)" found on page 22 lines 32-35 which references KSA 21-5703, the drug distribution crimes.) This provision dilutes the ability of our citizens' access to certain drug offender information.

Summary

Our associations will continue to strongly oppose the bill without addressing those items we point out in our opposition. In those areas we have expressed concern about, we believe this bill not only swings the pendulum too far, but knocks it clear out of the clock.

Ed Klumpp
Ks Association of Chiefs of Police - Legislative Committee Chair
Ks Peace Officers Association – Legislative Liaison
eklumpp@cox.net
Phone: (785)640-1102