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**Testimony to the Senate Judiciary Committee
In Support of SB282
Forfeiture of Vehicle Used in Felony Attempt to Elude
January 19, 2012**

Chairman Owens and Committee Members,

Vehicle pursuits continue to occur at unacceptable rates across our nation and in Kansas. Over the years we have taken several steps to amend the statutes on these crimes which have resulted in laws clearly defining the most serious of these crimes as felonies. Law enforcement continues to improve training and take steps to reduce these risks. However, the decision initiating these dangerous acts is in the hands of the violators, not the law enforcement officer.

What has law enforcement done? In recent years a high level of focus has been placed on the decision making process of the officers, in addition to improved driving skills training for officers. More emphasis has been placed on the decision to pursue or not pursue by weighing the immediate risks to what is known about the violator. A great deal of work has gone into developing clear policies aimed at reducing pursuit risks. Recently, a new state of the art emergency vehicle operator's training course was opened at the Kansas Law Enforcement Training Center. The use of driving simulator training helps develop officer and supervisor judgment abilities.

What we propose in this bill is an additional tool to discourage the violator from choosing to place the public at risk by attempting to elude an officer. It is fashioned after a statute enacted in North Carolina. It is important to understand this applies only to those who actively attempt to elude officers, not in cases of simply failing to yield or failing to stop. It also only applies to those cases that reach the felony level of attempting to elude, not to misdemeanor cases.

Our proposal simply adds the crime of felony attempt to elude to the list of crimes allowing for forfeiture. This provides for consistency and applies all of the existing forfeiture restrictions, protections, and procedures to these vehicle forfeitures.

What makes attempting to elude a felony in Kansas?

K.S.A. 8-1568:

- Fails to stop for a police road block; or
- Drives around tire deflating devices placed by a police officer; or
- Engages in reckless driving; or
- Involved in accident or intentionally causes damage to property; or
- Commits five or more moving violations; or
- Attempting to elude capture for the commission of any felony; or
- Third offense of what otherwise would be misdemeanor attempting to elude.

The vast majority of persons choosing to attempt to elude law enforcement are criminals in every sense of the word. The person not involved in what is normally considered criminal activity is the exception. Our purpose in this bill is to provide an additional deterrent effect to reduce the number of police pursuits in Kansas. Admittedly this will not deter all those who choose to endanger the public by choosing to flee from an attempt by law enforcement to stop them. However, we do believe it will provide a deterrent effect on many of those cases.

This proposal will not result in any additional bed space at either county jails or state prisons. It does not create a new crime. In fact, it is our hope this new forfeiture provision will deter attempt to elude cases resulting in fewer offenses and thus fewer persons sentenced to prison and jail. But most importantly, it is our hope it will result in a safer Kansas and reduce the damage and injury inflicted by these violators.

We strongly urge you to recommend this bill favorably for passage and provide yet another tool for deterring these dangerous events.

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