

Testimony: HCR 2026 Mobile Communication Devices

Madam Chairman, Members of the Committee: HCR 2026 represents an opportunity to help law enforcement address an ever increasing threat to our communities.

I wanted to explain to you a little about my background. I am married, the father of two and I have been a Lawrence Police Officer since 1991 and a Detective since 1994. Although the following testimony represents my (and many of my colleagues) experiences, they do not necessarily represent the governing body of the City of Lawrence. This testimony simply represents the experience of many who work in the area and deal with the every day and very real life issues this bill seeks to address.

The prevalence of cell phones in Kansas, as it is in the world, is pervasive. It is estimated 88% of U.S. adults own a cell phone and that 55% use those cell phones to go online and that trend is expected to increase. I can tell you from experience almost everyone I contact during an investigation has a cell phone and many it is their only phone and their primary method of accessing the internet; including those who commit crime.

Among the increasing challenges for law enforcement in regards to cell phones, are the prepay or non-contract cell phones. As I have learned through experience, these phones are often on one of the major carriers networks; however, the carrier does not require legitimate information to activate the phone on the network. If these phones are used in criminal activity and law enforcement is lucky enough to obtain a phone number, the number will ultimately be of little use as it will not lead to any legitimate information about the account holder. This fact is well known among many of those who have chosen to be involved in illegal activities and these individuals purposely purchase several of these types of phones in order commit crimes in hopes their phone number helps them remain anonymous.

My recent experiences include:

1. **Death Investigation:** Young man overdoses on illegal purchased prescription drugs. The purchase was documented in a text between the deceased and the seller of the lethal drugs shortly before his death and the phone number was a prepay number;
2. **Burglary:** Investigation in which numerous phones were stolen, one tracked overseas;
3. **Aggravated Robbery:** Pizza delivery driver was called to a location and robbed. The cell phone number used to call was determined to be a prepay phone purchased the night of the robbery.

I recognize that if this bill is successful, there will be an increase in work by retailers who sell this product. The increase in work is unfortunate; however, the work closes a loophole exploited by those who do so for illicit reasons. Most who

use the prepay cell phones do so for legitimate reasons and this new law will have absolutely no effect on them, but would greatly increase the efficiency of law enforcement when investigating a crime in which a prepay phone number is an important lead. Often these type of cases cause law enforcement to apply for a search warrant; which is time consuming, only to have the phone come back as a prepay phone and the vendor has no legitimate information regarding account holder. This bill, if successful, would simply allow law enforcement investigating a crime, with proper legal authority, to know who a particular phone number belonged to at a particular time.

I respectfully ask for you your support on this bill, and will answer any questions you may have.

Respectfully,

M.T. Brown
Detective
Lawrence Kansas Police Department.