

To: Senate Judiciary Committee

From: Amanda L. Stanley, Legal Counsel

Date: February 7, 2017

RE: Opposition to SB 92

I want to thank Chairman Wilborn and the Committee members for allowing the League of Kansas Municipalities the opportunity to provide testimony in opposition to SB 92.

SB 92 requires law enforcement agencies to adopt detailed written policies requiring the electronic recording of custodial interrogations. The plain language of the bill in (e)(1) requires the written policy to include a requirement that an electronic recording be made of the entire custodial interrogation at a place of detention when the interrogation concerns homicides and felony sex offenses and in (e)(2) that an electronic recording be made any time the defendant elects to make or sign a written statement during the course of a custodial interrogation. As written, these are two independent requirements. The language in (e)(2) is incredibly broad. It could be applied to any custodial interrogation regardless of location or severity of the offense.

(e)(2) would have a negative fiscal impact on cities in Kansas. Some local law enforcement agencies would be required to purchase appropriate recording equipment, and all cities would likely have increased costs related to the implantation of appropriate storage and retention of the electronic recordings pending trial.

After talking with proponents of the bill, the League understands the intent of the bill is to apply the requirements in (e)(2) only to custodial interrogations concerning homicides and felony sex offenses. The League is not opposed to the intent of the bill. Our concerns can be cured by either adding limiting language to (e)(2) or by making it clear in (e) that the requirements in (e)(1)-(4) are only applicable to custodial interrogations concerning homicides and felony sex offenses.

The League is willing to work with the proponents to develop language that would resolve our objections. For these reasons, the League and its member cities do oppose SB 92. We ask that our concerns be considered when the bill is worked and that it not be passed out favorably in its current form.