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**Testimony to the House Corrections and Juvenile Justice Committee  
In Opposition of HB2279  
February 21, 2019**

Chairman Jennings and Committee members:

Our associations are opposed to HB2279 as proposed based on the new requirements in Subsections (c)(A) and (c)(B) starting on page 1 line 37. Those two provisions can create a false sense of safety to a victim if the information the officer believes to be accurate proves to not be what ultimately happens. This could cause a safety issue for the victim and erode the victim's faith in law enforcement.

We have no problem with the provision in (c)(C) on page 2, lines 4-7, adding the requirement to provide victim notification services. With the implementation of the VINE system across the state, we have been conducting training on how this system works and we provide information that can be provided to victims and others who want to know about a person's release from jail.

Our concern with the new provision of (c)(A) is officers may not know the earliest release time for a person arrested. Most officers are not familiar with the bond schedules. The bond schedule can be significantly different from charge to charge and can be anything from a signature bond, to cash bond, to a secured bond. Many charges result in the person bonding out even before the officer has their reports finished. Bond schedules are subject to adjustments by the court. Bond schedules are guides to jail personnel. A court can change the bond requirements at any time on an individual case basis.

Our concern with the new provision of (c)(B) is similarly based. As can be seen on page 2, lines 2 and 3, ". . . unless the judge makes a specific finding otherwise. . ." adds an element of the unknown to the officer at the time of arrest. So again, we could in good faith tell the victim there will be 72 hour order of no contact, but that may not always prove to be true. The 72 hour rule is not only subject to judicial finding, it is also applicable only to persons bonded out on ". . . a person felony or a person misdemeanor. . ."

The 72 hour provision in KSA 22-2802 states, "Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the

bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours.” KSA 12-4301 has similar provisions, “Unless the judge makes a specific finding otherwise, every bond for a person charged with an offense that would be a person offense pursuant to state law shall have a condition of release prohibiting the person from having contact with the alleged victim of such offense for a period of at least 72 hours.” You can see these are both premised on the charged crime the bond is based on being a “person” offense. To add to the potential confusion, the statutes are unclear on when the 72 hour period starts. Presumably it starts at the time of bonding. If that is true, then the officer has no way of knowing when that time period will expire because we do not know when bonding will occur.

This is further complicated by the definition of “domestic violence offense.” In KSA 21-5111(j), “Domestic violence offense’ means any crime committed whereby the underlying factual basis includes an act of domestic violence.” The same statute in subsection (i) provides a very lengthy definition of “domestic violence” which includes, “Domestic violence also includes any other crime committed against a person or **against property**, or any municipal ordinance violation against a person or **against property**. . .” (emphasis added) This means a “domestic violence offense” can be a non-person property crime. So, the 72 hours bond requirement does not apply to all domestic violence offenses. And even though the language of (c)(B) includes “. . . bonded out for a person felony or a person misdemeanor. . .” officers are not that familiar with what crimes are “person” crimes or “non-person” crimes. That is because whether a crime is a “person” or “nonperson” crime has no influence on the elements of the crime and, thus, the officers arrest decision. It is a sentencing issue in which law enforcement is not directly involved. This leaves officers in a position of potentially giving bad information under this new provision.

We ask you to not approve subsections (c)(A) or (c)(B) of this bill as proposed.

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