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**Testimony to the House Children and Seniors Committee
In Opposition to HB2149
February 2, 2021**

Chair Concannon and Committee Members:

Our associations oppose HB2149 due to our concerns with the wide breadth of latitude provided in the proposed bill. The issues addressed in the licensing statutes relating to criminal convictions deal directly with the safety of the people who seek those licensed services. Licensure should present some level of confidence of the safety net the state has cast in the licensing procedure, including relevant past criminal history.

As written this proposal would provide the unbridled authority to arbitrarily decide if a person with a serious felony record could be licensed. This bill also does not appear to consider the severity level of the crime or if the person is currently on probation or parole for these offenses.

We have attached a list of the statutes listed in the subsections the bill allows the secretary to consider for exemption. While we recognize there are probably some convictions included in this group of crimes that could reasonably be waived, we hope you will agree that some of these crimes are so serious and vile they should never be waived, especially when licensing a childcare facility.

We believe the intent of this bill is probably not as bad as the actual wording allows. It would be easy to dismiss these concerns by thinking the secretary would never approve exemption for the worst of these crimes. But if that is the case, why even list it as a possible exemption. The bill as written is like a blank check not knowing what the consequences might be until the damage is done.

We encourage you to not pass the bill as proposed and to seek a way to narrow the scope of possible crimes that can be exempted to those not clearly so gross they should never be waived for a child care setting.

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HB2149 Crimes that Could be Excused From Licensing Restrictions (Not a complete list)

Crimes in (a)(1)

- Any person felony [(a)(1)(A)]
This list is long outside of the crimes listed in below includes: Unlawful sexual relations; Breach of Privacy by concealing a camera to photograph a person who is nude or in a state of undress.
- Any drug felony [(a)(1)(B)]
Includes distribution with intent to distribute to a minor.
- Any crime in KSA Ch 21 Art 54 (Crimes against persons) [(a)(1)(C)]
Includes everything from murder to simple assault; unlawful administration of a controlled substances; mistreatment of confined person; mistreatment of confined adult.
- Any crime in KSA Ch 21 Art 55 (Sex Offenses) [(a)(1)(C)]
- Any crime in KSA Ch 21 Art 56 (Affecting Family Relationships and Children) [(a)(1)(C)]
This group of statutes includes abuse of a child, abandonment of a child; endangering a child; contributing to a child's misconduct; furnishing alcohol to a minor.
- Any violation of unlawful disclosure of tax information [(a)(1)(C)]
- Any violation of interference with a firefighter [(a)(1)(C)]
- Any violation of interference with an emergency medical service provider [(a)(1)(C)]
- Any violation of selling, buying, promoting sale of sexual relations; commercial sexual exploitation of a child; unlawful use of a communications device [(a)(1)(C)]
- Any violation of promoting obscenity; promoting obscenity of a minor [(a)(1)(D)]
- Any violation of arson [(a)(1)(E)]

Crimes in (a)(2)

- Adjudicated as a juvenile offender for any of the following crimes
 - Any person felony [(a)(1)(A)]
 - Any crime in KSA Ch 21 Art 54 (Crimes against persons)
 - Any crime in KSA Ch 21 Art 55 (Sex Offenses)
 - Any crime in KSA Ch 21 Art 56 (Affecting Family Relationships and Children)
 - Any violation of selling, buying, promoting sale of sexual relations; commercial sexual exploitation; unlawful use of a communications device
 - Any violation of promoting obscenity; promoting obscenity of a minor