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January 25, 2021

To: Kansas House Committee on Corrections and Juvenile Justice
Date: February 10, 2021
Re: House Bill 2191

Chairman Jennings and members of the House Committee on Corrections and Juvenile Justice,

This is a letter in support to increasing the penalty for riots within a correctional facility. As the county attorney in a community that has a correctional facility, we take the safety and welfare of our corrections officers very seriously. In the last the facility in our community faced a crisis that is not uncommon for other facilities. The specific problem being addressed in this bill is the increased penalty of the for riots within correctional facilities of our State. As a prosecutor who prosecutes many cases from a correctional facility, the consequences of inciting a riot is not taken seriously, at least not with the severity level. Escapes, contraband, and batteries within the facility are all felonies, but a riot is a misdemeanor. I have seen first-hand the damage and injuries caused when a riot occurs in a facility. Individuals causing thousands of dollars of damage, hurting other inmates, and hurting staff. The risk of harm and damage are not commensurate with receiving a misdemeanor. That's the consequence of a riot under K.S.A. 21-6201, a misdemeanor, or one year in jail and a fine. I'm not sure when the Governor said, "my administration will...hold those responsible..." in regards to a recent riot.

The riots in my community are not isolated, nor isolated to this past year. There were newsworthy riots in 2018 and 2017, being in El Dorado and Norton respectively. This problem is not deterred in the current penal code, which is why the proposed amendment is being brought before you. Raising the degree of criminal punishment from misdemeanor to felony would lower the risk of riots and potential harm to facilities and personnel. A misdemeanor has a minimal effect for punishment, where felonies can escalate the punishment exponentially. Adjusting K.S.A. 21-6201 to include higher penalties for rioting or inciting riots in correctional facilities will be good for the people of Kansas. It keeps the men and women who run these facilities in a safer environment. The cost of repairs for facilities will go down because riots will be less common and cause less damage to repair. Finally, the agitators of Kansan society will be punished for the harm they cause while being incarcerated. These are the primary reasons that adjustment for K.S.A. 21-6201 is being sought.

Respectfully submitted,

Todd Thompson
Leavenworth County Attorney