

**Testimony of Kansas Department of Wildlife and Parks
Neutral Testimony to Senate Bill 395
To
The House Committee on Judiciary**

**By Brad Loveless, Secretary
Kansas Department of Wildlife and Parks**

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Chair Patton and Members of the Committee:

The Kansas Department of Wildlife and Parks (KDWP) is neutral on Senate Bill 395. SB 395 would create a statutory prohibition on the otherwise lawful surveillance activity of KDWP law enforcement of placing a recording device on private land without either a search warrant or the permission of the landowner.

This bill has no actual impact on KDWP functions. KDWP has determined that: 1) its law enforcement officers' time and resources may be better utilized engaging in activities other than video surveillance; 2) cost of litigating the possible legal challenges to video surveillance outweighs the benefit of the activity; and 3) the Kansas Department of Wildlife and Parks and its law enforcement officers have a longstanding history of protecting and defending private property rights as part of the work of the agency. Accordingly, KDWP has enacted a policy to restrict such recording devices being utilized in law enforcement activities and requires landowner consent, a court order approval of the county or district attorney for their use on private property.

This bill is not the result of complaints against KDWP. We have no record of even a single complaint against our officers in the performance of their duties pertaining to daily decisions about investigations of potential unlawful activity on private property.

Currently, while this bill would not create a similar prohibition on other law enforcement agencies' actions, we are concerned with the precedent this bill would set by regulating law enforcement activities without any basis in actual, documented incidents of the activity in question. All other certified law enforcement officers in Kansas have exactly the same rights and responsibilities as KDWP officers. What will be passed next to restrict the activities of law enforcement if laws are passed without any basis in the factual record of such an incident or activity occurring?

The Department appreciates the support of the Committee and having the opportunity to testify.