



Written Testimony in Support of Senate Bill 367
House Committee on Judiciary

Prepared by
Colonel Herman T. Jones
Kansas Highway Patrol

March 8, 2022

The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in support of Senate Bill 367. This bill addresses some key issues faced by law enforcement agencies while collecting and maintaining evidence.

The Kansas Highway Patrol collects sizeable amounts of contraband and property as evidence to assist in the prosecution of criminals. With the current statute in place, return of property that is not contraband, such as firearms, has been cumbersome due to the wide-ranging legal interpretations of what is required in K.S.A. 22-2512. While recognizing that the primary goal of K.S.A. 22-2512 is to preserve evidence for prosecutions, it is also important to address what happens when this evidence is no longer needed. SB 367 protects a citizen's rights to their property and gives clear guidance to law enforcement on how that property should be handled.

Returning property to the lawful owner is paramount, but there are situations where law enforcement agencies are unable to do that. Pursuant to a ruling from the Supreme Court of the United States, individuals who cannot lawfully possess a firearm under either state or federal law still have an ownership interest in that firearm if it was lawfully acquired. The changes proposed in this bill allow the Highway Patrol to respect this ownership interest, while keeping firearms out of the hands of convicted felons and others whose rights to possess them have been restricted by law.

SB 367 also addresses concerns to the health and safety of our employees posed by storing large quantities of controlled substances. Our evidence personnel are responsible for transporting large amounts of dangerous substances such as fentanyl and methamphetamine to labs for testing or to evidence storage facilities throughout the state. By allowing law enforcement to treat drug contraband as dangerous substances, we can preserve only the samples needed for testing and court purposes. This will limit the risk of hazardous material spills, as well as prevent the combustion of packages due to pressure changes. Storing smaller amounts of controlled substances will also limit any sicknesses that can be caused by the fumes from storing large quantities of these drugs.

We believe in treating all persons and their property with courtesy and respect. The preservation of individual dignity and constitutional rights is paramount in performing our duties. Protecting the rights of coworkers and providing a safe, secure working environment are of equal importance. The Kansas Highway Patrol appreciates the opportunity to submit written testimony and fully supports SB 367.

###