

Senate Judiciary Committee
Senate Bill 4
January 27, 2021

Kansas Association of Criminal Defense Lawyers
Proponent

Dear Chairperson Warren and Members of the Committee:

KACDL supports SB 4, which would amend the penalties for tampering with electronic monitoring equipment from a severity level 6 felony to either a severity level 8 felony or a class A misdemeanor, depending on the type of underlying charge, conviction, or case which was the basis for the person being on electronic monitoring.

Electronic monitoring can be ordered by a court for relatively minor offenses. It can also be ordered as a condition of bond, meaning before a person is convicted of any criminal offense. A person on bond or probation for a class B misdemeanor, like a first time DUI, who tampers with their electronic monitoring device would currently be charged with a severity level 6 felony. A severity level 6 felony carries a penalty range of 17-46 months in prison depending on the person's prior criminal history and, for those with prior felonies on their record or who were on probation or bond for a felony, it could result in a presumption of imprisonment.

Changing the severity levels would bring the punishment more in line with the underlying charge or conviction forming the basis for the electronic monitoring. Furthermore, it puts it more in line with what is arguably a more serious offense -- escape from prison or jail -- which is a misdemeanor or a severity level 8 nonperson felony, with the more serious escapes being severity level 5 or 6.

We urge this Committee to pass SB 4 amending the penalties for tampering with electronic monitoring equipment.

Thank you for your consideration,
Jennifer Roth
co-chair, Legislative Committee
Kansas Association of Criminal Defense Lawyers
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