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**Testimony to the Senate Judiciary Committee
In Support of SB366
January 31, 2022**

Chairwoman Warren and Committee Members:

Our associations have requested this bill to address what we believe is a gap in the burglary statute. The bill makes modifications to the burglary statute to make the unlawful entry to locked or secured portions of a “structure” a burglary when done so with the current criminal intent provisions—to commit a felony, theft, or sexually motivated crime.

This issue was brought to light most recently in a 2019 Kansas Court of Appeals case, *State v. Glover*. In the *Glover* case, the defendant entered the St. Anthony’s Catholic Church in Sumner County. The church was unlocked to allow persons to enter for prayer or meditation. The defendant entered the church with intent to steal money. Finding no money, they entered the locked sacristy forced open a locked cabinet and stole two chalices, one ciborium, and one paten. He was charged with burglary.

The court ruled the case was not a burglary because they entered the “structure” with authority since it was open to public access, and a locked room within the church was not a structure as defined in the statute. The court stated in the opinion “If this interpretation is not what the Legislature intended, the law could be changed to more clearly include subunits of a building as being buildings or structures.”

Our associations reached out to the Kansas County and District Attorneys Association in considering proposing a bill to make such a change. This resulted in the bill before you.

Here are some of the types of facilities we believe would benefit from this added inclusion in the burglary statute:

1. Churches such as the St. Anthony’s Catholic Church.
2. Recreational facilities where entry is allowed to the “structure” certainly without any authority to force entry into locked offices or storage rooms.

We encourage you to move SB366 favorably for passage.

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