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**Testimony to the Senate Federal and State Affairs Committee
Regarding SB35: Employment Standards for Persons Serving Alcohol
January 24, 2013**

Chairman Ostmeyer and Committee Members,

The Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association offers this testimony in a neutral position, opting to neither support nor oppose SB35 as currently written.

Late during the 2012 session, we met with several of the concerned parties and discussed the various concerns. These discussions led to an agreement on a modification to the statute that we could all live with while protecting public safety and the business interests of the licensees. This bill represents that compromise. We stand by our compromise agreement with the parties. However, we would oppose any efforts to open the hiring of felons to serve alcohol beyond this agreement.

It is our belief that the prohibition of felons from working as servers of alcohol is an essential public safety provision and should not be totally removed from the statutes. We recognize that this long held statutory rule was established prior to when some crimes were classified as felonies that perhaps may not cause alarm in these employment positions.

The public safety issues are clear. Do we really want a person convicted of rape serving alcohol and interacting with the female patrons on ladies night? Do we want the felon who got into trouble because they can't control their temper while intoxicated working in a private club? How about the identity thief or the dealer of cocaine or other illegal drugs? The discussions last year included the belief club owners have an interest in not hiring felons and they would control this themselves. However, we know from experience that some would not because we occasionally have that problem with the current statute in place.

We have a vast amount of experience with poorly managed clubs that generate crime problems. Many of these crime problems are not the type the ABC get involved with and in many cases may not even be aware of. Drug dealing, violent assaults, prostitution, sex crimes, illegal gambling, and financially motivated crimes are not uncommon. The mishandling of small disturbances often cause those problems to merely move outside and grow into more intense and more violent disputes. Many of those problems are generated or exacerbated by employees of the clubs. It is not uncommon for a problem club owner to ignore them if addressing them will harm profits. Currently those employees cannot be felons and cannot be prior offenders of the liquor laws. We have reluctantly agreed to the compromise provisions as provided in this bill. We remain concerned about some property crime felons who will take advantage of situations to engage in some of the non-violent crimes we have mentioned above that will not be included if SB35 is passed. But isolating the non-violent offenses that are relevant from those that are irrelevant would add complexity to the statute and be challenging at best.

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