

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 25, 2009, in Room 136-N of the Capitol.

All members were present.

Committee staff present:

Jason Long, Office of the Revisor of Statutes
Julian Efird, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Danielle Dempsey-Swopes, Executive Director, Kansas African American Affairs Commission
Mike Watson, Governor's Task Force on Racial Profiling
Shirley Wishom, Women in Action Inc.
Jimmy L. Bullock Sr., Crime Prevention
Sheriff Frank Denning, Kansas Sheriff's Association
Captain Don Krone, Kansas Association of Chiefs of Police
Ed Klumpp, Kansas Peace Officers Association
Steve Bukaty, Legal Counsel, Kansas Fraternal Order of Police
Colonel Terry Maple, Kansas State Troopers Association

Others attending:

See attached list.

Introduction of Bills:

Senator Brungardt introduced a bill regarding legislation to replace the partisan politics of redrawing legislative and congressional district boundaries.

Senator Brungardt moved that the two requests should be introduced as committee bills. Senator Francisco seconded the motion. The motion carried.

SB 179 - Racial profiling; definition thereof, required policies by law enforcement agencies; investigation of complaints.

Chairman Brungardt opened the hearing on **SB 179**.

Staff provided an overview and history of the bill. ([Attachment 1](#))

Proponents:

Danielle Dempsey-Swopes, Executive Director, Kansas African American Affairs Commission, provided testimony for Steve Cisneros, Executive Director, Kansas Hispanic and Latino American Affairs Commission and herself, in favor of the bill and the Task Force amendment. ([Attachment 2](#)) The Task Force amendment:

- Clarifies the definition of profiling and clearly indicates the exceptions to the general rule
- Requires the Task Force to implement a method for the collection of traffic stop data for drivers and passengers
- Mandates that the Kansas Commission of Peace Officers Standards and Training (KSCPOST) review complaints and initiate discipline when necessary

The passage of the Task Force proposed amendment to the bill will allow the state to receive an additional one million dollars; this funding is provided by the National Highway Transportation Safety Administration can be used to enhance existing community policing programs and to expand law enforcement training, research, data collection and analysis.

Shirley Wishom, Women in Action Inc., appeared in favor of the bill. ([Attachment 3](#)) Ms. Wishom supports the new version of the bill, that includes the majority of the Governor's Task Force on Racial Profiling balloon amendments, specifically pedestrians added; and supports the communities call for mandating the recording of officer stops.

CONTINUATION SHEET

Minutes of the Senate Federal And State Affairs Committee at 10:30 a.m. on February 25, 2009, in Room 136-N of the Capitol.

Mike Watson, Governor's Task Force on Racial Profiling, provided a brief history of the Task Force and the methods of pre-emptive Racial Profiling. Mr. Watson requested to extend the Task Force to further develop the data collection process of the bill. (No written testimony was provided)

Jimmy L. Bullock Sr., Crime Prevention, appeared as a proponent of the bill. (Attachment 4) Mr. Bullock stated that the mandatory use of dashboard mounted video cameras and audio recorders by law enforcement officers provide the evidence to support citizens' complaints and curb racial profiling.

Neutral/Informative:

Colonel Terry Maple, Kansas State Troopers Association, provided neutral information on the bill. (Attachment 5) The bill would provide several adjustments to current law regarding racial profiling and express some general concerns:

- Definitions - Law enforcement is concerned about removing "sole factor" from existing definition of racial profiling. A workable definition is necessary.
- Due process - Consideration of due process for officers/agencies accused of racial profiling is warranted
- Data collection - If implemented, a methodology for bench marking and/or analysis of data must be established. Requires a cost to all agencies involved. Currently to comply the KHP would have to create a paper form and aggregate data manually.
- Uniform Traffic Citation - the state, via the Traffic Records Committee, is currently working on this issue. It is important not to duplicate effort or negate progress already made by that group

Kansas Human Rights Commission, Rick Fischli provided written testimony addressing the portions of the bill that directly impact the Kansas Human Rights Commission. (Attachment 6)

Opponents:

Sheriff Frank Denning, Kansas Sheriff's Association, (KSA) appeared in opposition to the bill. (Attachment 7) The KSA is opposed to changing the current definition of racial profiling and the clear lack of due process afforded agencies and officers in the bill. A balloon was provided.

Capatin Don Krone, Kansas Association of Chiefs of Police, spoke in opposition to the bill. (Attachment 8) The Association recommends removing the data collection provisions from the statutory language:

- Page 1 delete all of lines 17 - 18
- Page 2 delete line 23 and 24, and delete the word "The" at the end of line 39, and lines 40-43.
- Page 3 delete everything before "The"
- Page 6 delete line 32-37

Ed Klumpp, Kansas Peace Officers Association, appeared as an opponent on the bill. (Attachment 9) Mr. Klumpp's area of concern is the lack of due process for the officers and the agency in the investigative process; and he provided a balloon. The Association does support extending the sunset provision for the task force.

Steve Bukaty, Legal Counsel, Kansas Fraternal Order of Police, spoke in opposition to the bill. (Attachment 10) Mr. Bukaty stated the proposed bill will have a detrimental effect on the ability of the police officers of the state to carry out their duties, while not enhancing the objectives of the Racial Profiling Statute. The current state of the economy has placed increased burdens on municipalities; the proposed changes will increase not only the expenses of all police departments in the state, but also will greatly enhance the responsibilities and expenses of the Kansas CPOST. This proposed change will constitute an unfunded mandate.

Chairman Brungardt continued the hearing on **SB 179** to Tuesday, March 5, 2009.

The next meeting is scheduled for February 26, 2009. The meeting was adjourned at 12:02