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**Testimony to the House Corrections and Juvenile Justice Committee
In Opposition to HB2089 – Tampering With Electronic Monitoring Device**

January 23, 2017

Chairman Jennings and Committee Members,

Our associations oppose HB2089 reducing the penalty for tampering with an electronic monitoring device.

Our biggest concern is with the reduction from a SL6 to SL8 nonperson felony for persons monitored with such a device related to a felony, found on lines 14-16. We are also concerned with the reduction to a class A misdemeanor for those monitored with such a device for a misdemeanor.

We trust the courts are not ordering people to wear monitoring devices without some level of concern for the safety of the public without it. Even if there are a few cases where it is to enforce a house arrest without a fear of violence, the bill proposal does not differentiate between those circumstances. Nor is there any provisions for enhancement of penalties for repeated offense of the misdemeanor provision.

We know that some of the persons who would be released to wear monitoring devices are those committing misdemeanor crimes of domestic violence, stalking, window peaking, prowling, violation of a protection order, or similar offenses.

Persons who remove monitoring equipment do not do that so they can sleep better. They do it because they are engaging in conduct they do not want authorities to know about and a violation of their conditions. This activity is putting the public at risk from a person the court has determined requires constant monitoring because of their past history and conduct. That compounds the safety concerns with this criminal act.

We understand the emphasis placed on releasing persons convicted of crimes from prisons to save money. But this proposal releases those a court has determined needs more monitoring than routine parole, probation, or pretrial supervision. This is a weak on crime bill that will place someone at greater risk of harm to gain a savings of 4 to 9 prison beds. This does not seem like a reasonable tradeoff for the people of Kansas.

We urge you to not pass this bill favorably out of committee.

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