

Approved: 1-30-97
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on January 23, 1997 in Room 519-S of the Capitol.

All members were present except: Representative Doug Mays, Absent
Representative William G. Mason, Absent
Representative Edward Pugh, Excused
Representative Ellen Samuelson, Excused
Representative Galen Weiland, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Randall McBee, Newton Fire Department

Others attending: See attached list

Chairperson Boston introduced Ruby Gilbert, Ranking Minority Member to the committee.

The Chairperson announced that it is not a pre-requisite that all members go on the Lansing Correctional Facility tour on January 27, but if planning to go it is important to sign up.

The Chairperson opened the hearing on **HB 2025 - Crime of inflicting harm, disability or death to a police or arson dog.**

Mary Torrence, Revisor of Statutes Office, gave a briefing on **HB 2025**, stating this bill would amend the statute that makes it a crime to injure or kill a police dog and expand to include arson dogs that are trained to detect arson. It also would increase the severity level of the crime from a Class A non-person misdemeanor to a severity level 5 non-person felony. The impact of that would be a Class A misdemeanor carries a penalty of imprisonment up to one year and a fine up to \$2500. A severity level 5 non-person felony penalty depends on the prior record and whether there are any mitigating or aggravating circumstances. If there was no prior felony there is no presumption of either imprisonment or probation. The duration would be anywhere from 31 months to 38 months depending on the number of prior misdemeanors and aggravating litigating circumstances. If the defendant had a prior felony conviction there is a presumption of imprisonment and the term would range from 38 months to 136 months depending on the number of prior felony convictions and the aggravating litigating circumstances. A level 5 felony also could carry a fine up to \$300,000.

Randall McBee, Fire/Arson Investigator, Newton Fire Department, Newton, Kansas, testified as a proponent for **HB 2025**. Because of the value of replacing these dogs and the job they do, it is felt the penalty for harm to death of a law enforcement K-9 or an Arson K-9 should be changed from the present Class A misdemeanor to the Level 5 non-person felony. (See Attachment # 1)

The following testimony was received and distributed from the following proponents: Tom Brenneman, Seward County Sheriff's Office, (See Attachment #2), and Helen Stephens, representing the Kansas Peace Officers Association and Kansas Sheriffs Association (See Attachment #3)

The Chairperson closed the hearing and stated final action would be taken on January 30.

The Chairperson stated the Department of Corrections requested three bill introductions: (1) Disposition of unclaimed bodies of deceased inmates in custody of Secretary of Corrections (2) Disciplinary action for security employees with positive drug tests and (3) Relating to sentencing of battery; guidelines grid for non drug crimes shall be applied in felony cases for crimes committed.

Representative Ballou moved and Representative Gilbert seconded to accept the three requested bill introductions as committee bills. The motion carried.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on January 23, 1997.

The meeting adjourned at 2:00 p.m.

The next meeting is scheduled for January 27, 1997.

**NEWTON FIRE DEPARTMENT
200 E. 3RD STREET
NEWTON, KS 67114
(316) 284-6065**

TO: THE KANSAS LEGISLATURE

REFERENCE POLICE & ARSON SERVICE CANINES

My name is Randall McBee. I am the Fire/Arson Investigator for the Newton Fire Department, Newton KS. In April 1991, I had the privilege of putting the first Accelerant Detection Canine in the State of Kansas to work on the Newton Fire Department. Accelerant Detection Canines are often called, "**Arson Dogs.**"

There are four Accelerant Detection Canines in the State of Kansas. Newton Fire Department, Wichita Fire Department, Topeka Fire Department, and the State Fire Marshal Department each have one.

The canines are used to search suspicious fire scenes for the presence of liquid accelerants. Liquid accelerants are flammable and combustible liquids such as gasoline and diesel. When the canine detects the odor of a liquid accelerant they indicate by going to the sitting position. They are then given a food reward. A sample of the fire debris where the canine indicated is then collected and sent to the KBI Laboratory for accelerant analysis.

The benefits of the Arson Dog are:

1. They cover a great amount of territory in a short time saving manpower which saves overtime.
2. Cuts down on the number of samples sent to the lab. It takes the educated guess work out of where to take the samples.
3. It increases the positive samples coming back from the lab.
4. The canine lends credibility to the investigators findings in court. Juries like dogs.

Feda State
1-23-97
Atch #1

5. They are a good public relations tool.

The cost of the Accelerant Detection Canine is between \$5,000 and 10,000 which includes the cost of the canine, training, equipment, room and board, and time away from work going through the training. This is equal to the cost of law enforcement narcotics and patrol canines.

Arson is responsible for 1.5 billion dollars a year in property losses along with the loss of lives of civilians and firefighters. The Accelerant Detection Canine, "**Arson Dog**," is one of the best tools we have to combat the crime of Arson. These dogs are part of our family and their loss to death or personal injury by criminals would be felt the same as the loss of a law enforcement dog. Because of the value of replacing these dogs and the job they do we feel the penalty for harm or death of a Law Enforcement K-9 or an Arson K-9 should be changed from the present **Class A Misdemeanor** to a **Level 5 Non Person Felony**.

Thank You

Randall McBee

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SEWARD COUNTY SHERIFF OFFICE
112 EAST 5TH
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316-626-3316

TO: THE KANSAS LEGISLATURE

REFERENCE POLICE SERVICE CANINES

ON SEPTEMBER 18, 1993, I WAS IN GREAT BEND KANSAS TO ATTEND MY WEDDING. UNKNOWN TO MYSELF, I WAS UNDER SURVILLANCE TO DETERMINE WHEN I WAS HOME AND WHEN I WAS NOT. MY WIFE AND I HAD DECIDED TO SPEND THE NIGHT AT THE HOLIDAY INN. THE NEXT MORNING AT 9:30 A.M. WE RETURNED HOME TO TAKE CARE OF THE CANINES. AS I PULLED INTO MY DRIVEWAY I COULD SEE MY POLICE SERVICE CANINE LYING NEXT TO MY PATROL VEHICLE. I COULD ALSO SEE BLOOD ON THE PATROL VEHICLE AS WELL AS THE REAR DOOR AND CONCRETE PORCH WAS COVERED WITH BLOOD. AS I EXAMINED MY CANINE, I COULD SEE THAT HIS THROAT HAD BEEN CUT. HIS BODY WAS STIFF SO I NEW THIS HAD HAPPENED SOMETIME DURING THE NIGHT.

AFTER THE INVESTIGATION WAS COMPLETED AND AN AUTOPSY CONDUCTED IT WAS DETERMINED THAT UNKNOWN PERSONS HAD CLIMBED THE SIX FOOT PRIVACY FENCE, PICKED OUT THE TRAINED NARCOTIC DETECTION CANINE FROM SEVEN OTHER CANINES, THREW PCP THROUGH THE CHAIN LINK KENNEL, AND ONTO THE CANINE, PCP PENETRATES THE SKIN AND IS A ANIMAL TRANQUILIZER. PCP AFFECTS THE RESPRIATORY SYSTEM. AFTER THE PCP HAD PUT THE CANINE ASLEEP, THEY THAN ENTERED THE CHAIN LINK KENNEL, AND REMOVED THE CANINE FROM THE KENNEL, AND THREW THE CANINE OVER THE PRIVACY FENCE, THEY THAN DRAGGED THE CANINE ACROSS THE GROUND TO THE BACK PORCH WHERE THE CANINE THROAT WAS CUT. HE WAS LEFT THERE TO BLEED OUT, AFTER THAT HAPPENED THEY THAN PICKED HIM UP, AND PLACED HIM BY THE DRIVERS SIDE DOOR OF THE STAFFORD COUNTY PATROL VEHICLE.

HIS NAME WAS AUTHOR, HE IS A BELGIAM MALINOIS THAT WAS EIGHT YEARS OLD, HE HAD FOUND NUMEROUS LARGE QUANITIES OF ILLEGAL NARCOTICS, HE WAS KNOWN ALL OVER THE STATE BY POLICE AND SHERIFF DEPARTMENTS, AND THE STATE HIGHWAY PATROL.

I THAN STARTED LOOKING INTO THE STATE LAWS ON POLICE SERVICE CANINES. I FOUND ONLY, THAT IF YOU KILL A POLICE SERVICE CANINE IN THE STATE OF KANSAS IT IS ONLY A CLASS A MISDEMEANOR, THE VAULE OF THE CANINES ALONE IS WAY OVER \$8000.00 DOLLARS, AND THAT DOES NOT INCLUDE THE OFFICERS TRAINING SALARY WHY THE OFFICER IS GOING TO SCHOOL. IN CHECKING WITH OTHER STATES IT WAS FOUND THAT IT WAS A FELONY TO KILL A POLICE SERVICE CANINE.

THREE MONTHS AFTER AUTHOR WAS KILLED, AN INFORMANT CAME FORWARD AND STATED THAT HE WAS HEARING INFORMATION ON THE KILLING OF AUTHOR. THE

Feds State
1-23-97
Atch #2

INFORMANT AGREED TO WEAR A WIRE AND WAS SENT INTO A HOME IN STAFFORD COUNTY TO FIND OUT INFORMATION. THE INFORMANT GAINED THE FOLLOWING INFORMATION, WHO THE PEOPLE WERE THAT WERE INVOLVED IN THE KILLING OF AUTHOR, AND THAT A FIVE THOUSAND DOLLAR FEE WAS PAID FOR THE KILLING OF THE CANINE. WE KNOW TODAY WHO WAS INVOLVED, BUT KNOW ONE WILL TESTIFY AGAINST THE PEOPLE.

I ASK THAT YOU CONSIDER PASSING THIS BILL, TO HELP ALL OF US DEAL WITH SOME OF THESE CRIMINALS WORKING IN OUR LOCAL AREAS. A CLASS A MISDEMEANOR MEANS NOTHING TO THESE TYPE OF PEOPLE.

THANK YOU

Tom Brenneman

TOM BRENNEMAN

KANSAS PEACE OFFICERS ASSOCIATION
and
KANSAS SHERIFFS ASSOCIATION

January 23, 1997
House Committee on Federal and State Affairs
House Bill No. 2025

Mr. Chairman and Members of the Committee:

I am Helen Stephens, representing the associations mentioned above. Thank you for allowing me the opportunity to hand in written testimony. A 1 PM meeting that I could not reschedule has prevented my attendance.

The Kansas Peace Officers Association and the Kansas Sheriffs Association support the passage of HB 2025.

The dogs trained in areas concerning drugs, arson, bombs, missing persons, etc., are a growing and important part of law enforcement and fire investigations. The price of training and care are repaid to the citizens of Kansas in many, many ways.

We especially support raising the penalty to level 5 from an A misdemeanor, as these animals are an intricate part of our law enforcement community.

We request your support in favorably recommending HB 2025 for passage.

Thank you again for this opportunity.

Fed & State
1-23-97
Atch # 3