

CALVIN H. HAYDEN  
SHERIFF



DARYL W. REECE  
UNDERSHERIFF

DUTY HONOR SERVICE

588 E. Santa Fe, Ste. 2000  
OLATHE, KANSAS 66061  
WWW.JOCOSHERIFF.ORG

## **Proponent Testimony to the House Committee on Judiciary for SB190 March 5, 2024**

Chair Humphries, Vice Chair Maughn, Ranking Member Highberger and Members of the Committee:

The Johnson County Sheriff's Office requested **SB190 — Requiring a waiver of extradition proceedings as a condition of release prior to trial for any person charged with a felony** and we offer the following supporting testimony.

This is the same language as SB457 - Requiring a waiver of extradition proceedings as a condition of bond from the 2022 Legislative session. That bill was introduced February 8, 2022, and unanimously passed the Senate on February 23, 2022.

It was referred to House Judiciary where it had a hearing on March 7, 2022. The bill died in committee.

Proponents of that bill were the Kansas Sheriff's Association, the Kansas County and District Attorneys Association, and the Johnson County Sheriff's Office.

This year SB190 passed the Senate Judiciary Committee and the Senate and was referred to this committee. The same proponents supported this bill.

This bill, if enacted into law, would require that a person in Kansas charged with a felony sign, as a condition of bond, a waiver of extradition. With the waiver on file, once our agency is notified of a fugitive in an asylum state, the extradition process begins immediately. The fugitive can be collected and brought back to Kansas to answer his or her charges.

If a person in Kansas, who is out on bond for their Kansas felony charge, goes to another state and is charged with a crime/traffic infraction there, they are subject to that state's jurisdiction for the charge they are accused of in that state. Once they complete their sentence in that state, the theory is they would be held for the Kansas agency to come and pick them up. The Kansas fugitive could fight extradition, a time consuming, resource intensive process for both states.

CALVIN H. HAYDEN  
SHERIFF



DARYL W. REECE  
UNDERSHERIFF

### DUTY HONOR SERVICE

588 E. Santa Fe, Ste. 2000  
OLATHE, KANSAS 66061  
WWW.JOCOSHERIFF.ORG

The extradition process involves the agency that has charges against the fugitive, the local county or district attorney, the Kansas Attorney General's Office, the governor's office, the governor of the asylum state, the attorney general of the asylum state, the local prosecutor where the fugitive was apprehended (charges the fugitive was apprehended for are offenses alleged to have happened in the asylum state – NOT the charges pending in Kansas), the jurisdiction that has the Kansas fugitive in custody, and the court where the Kansas fugitive is being held.

The federal constitutional and statutory provisions control the extradition process. All the states must follow the guidelines in the U.S. constitution and the federal statute. Further, extradition guidelines are usually found in the Uniform Criminal Extradition Act (UCEA).

The UCEA is an agreement between the states, like the Driver License Compact, in that it provides states with a means to cooperate and share information. The UCEA governs state extraditions to another state, however it does not supersede the U.S. Constitution. If there is a conflict, federal law prevails.

Rather than expend time and resources the fugitive may be given bond on the fugitive charge by the asylum state. The asylum state is the state the Kansas fugitive fled to. A judge in that state may issue a bond. If the fugitive defendant can make bond, he or she is free to go. The theory behind this is that they will return to Kansas to take care of the charge they have. That seldom happens.

If the waiver is in place, this process is greatly shortened, the odds of the Kansas fugitive being detained until he or she can be picked up by the Kansas agency who has jurisdiction are increased. The criminal justice process is more efficient.

Being a border jurisdiction, it is not uncommon for those charged with felony crimes in Kansas to be residents of the state of Missouri. Once they are charged and return to their homes it can cost thousands of dollars and hundreds of manhours to get them to return to the state of Kansas to appear in court to face those charges.

78% of extraditions in Johnson County are from the state of Missouri. Johnson County District Courts filed a total of 246 Fugitive Cases from Out of State fugitives refusing to waive extradition with 193 of the cases being from the State of Missouri. The time and resource consuming extradition process is set in motion for a person who is just a few miles away from Johnson County – a large portion of the extraditions are from persons held in Kansas City, MO

You will hear testimony from the opponents that this bill "significantly limits the ability of magistrates to make individualized decisions concerning conditions of release." We feel this is a false narrative. Magistrates are bound by statute on what conditions may be imposed now.

You will also hear that the bill raises "constitutional and ethical questions." We do not believe this is the case. Constitutional rights are routinely curtailed for persons on bond. They are frequently not allowed the right of association because they are prohibited from going to certain places or being in company

CALVIN H. HAYDEN  
SHERIFF



DARYL W. REECE  
UNDERSHERIFF

#### DUTY HONOR SERVICE

588 E. Santa Fe, Ste. 2000  
OLATHE, KANSAS 66061  
WWW.JOCOSHERIFF.ORG

with certain people. Their Second amendment right is often nullified by bond conditions. Furthermore, the ability to freely choose what they can ingest or partake of is routinely taken away.

The Eighth amendment to the US Constitution states that “Excessive bail shall not be required...” It is silent on issues of conditions of bond. The Kansas Constitution has similar language in its Bill of Rights (§ 9.)

A Bureau of Justice Statistics report released in 2021 shows that about 66% of felons who have been released from prison were charged with felony offenses again within three years. 82% were arrested again within 10 years.<sup>1</sup>

This is the first time a 10-year follow-up was done by the Bureau of Justice Statistics and followed prisoners released in 2008 until 2018. Twenty-four states were surveyed. Kansas was not one of the states in the study, but all the border states of Kansas were.

According to the Kansas Department of Corrections the Kansas rate is 34.7% within a three-year period. A significant number of persons charged with a felony have already committed one before.

This concept is not new. Other states have similar statutes. We borrowed this language from Colorado (CO Code § 16-4-105). The law was passed in 2013. We have not found any challenges to the law, which is why we chose the language.

We anticipate there would be cost savings and there would certainly be a savings of manhours for both law enforcement and the courts.

We ask the committee to recommend the bill favorable for passage.

Greg Smith  
Special Deputy Sheriff for Government, Veteran, and Crime Victim Affairs  
Johnson County Sheriff’s Office  
Gregory.smith@jocogov.org  
913.249.2954

---

<sup>1</sup> Recidivism of Prisoners Released in 24 States in 2008: A 10-Year Follow-Up Period (2008–2018), Leonardo Antenangeli, PhD; Matthew R. Durose, Bureau of Justice Statistics, September 2021, <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-24-states-2008-10-year-follow-period-2008-2018> accessed March 1, 2024.