

**Lt Col Raming:**

**Madam Chair** and honorable members of the **House Committee on Judiciary**, my name is Lt Col Michael Raming. I am the Staff Judge Advocate for the 22d Air Refueling Wing, which is the host unit for McConnell AFB. Joining me today is Mr. Jonathan Sullivan who serves as the Chief of Civil Law in the McConnell AFB legal office.

On behalf of the Installation Commander, we greatly appreciate this opportunity to provide information regarding House Bill 2242 and the potential to allow the retrocession of exclusive Federal jurisdiction to a concurrent State and Federal jurisdiction.

I wanted to inform the committee that the McConnell AFB is in fact seeking to modify our current exclusive Federal jurisdictional scheme to a concurrent State and Federal arrangement. So far we have obtained the concurrence of the Sedgwick County Sheriff's Office, the Sedgwick County District Attorney's Office, the Wichita City Attorney, and the United States Attorney's Office. The primary concern is the situation surrounding juvenile offenders. We have enjoyed a positive and productive relationship with the United States Attorney's Office when it comes to addressing allegations of civilian misconduct on McConnell AFB. Should there be an allegation of a serious juvenile offense, we simply don't have the same tools at our disposal for both juvenile justice and juvenile rehabilitation that our community partners in the State system have at their disposal.

**Mr. Sullivan:**

Good afternoon. In my role as the Chief of Civil Law in the McConnell AFB legal office, I serve as a Special Assistant United States Attorney. This allows me to prosecute civilian misdemeanor

offenses in Magistrate Court on behalf of the United States Attorney's Office. It also makes me the de facto liaison to them. Prior to taking this position I served as a juvenile prosecutor for Sedgwick County for 22 years. The Federal criminal justice system simply does not have the same options to address juvenile criminal behavior that the Kansas State system has. In an extreme case in the Federal Courts, the U.S. Attorney's Office could seek to prosecute a juvenile as an adult, but in anything short of that we would have very few options available. Thankfully we have not yet been faced with this situation at McConnell, but it does happen within the Department of the Air Force.

If the Legislature passes this bill, it will open the ability for McConnell AFB to work with our local community partners to ensure that our military community is as safe as possible, and that any alleged juvenile offenders are afforded a fair process in a system that is properly designed to protect their rights, protect the rights of victims, and properly balance punishment with juvenile rehabilitation in the event of a conviction.

Lt Col Raming and I are happy to address any questions you may have.

# Concurrent Jurisdiction on Federal Property

## Background:

**Kansas has no mechanism for the federal government to offer jurisdiction back to the state** on areas that have exclusive federal jurisdiction a process known as **retrocession of jurisdiction**. Most states have a general retrocession statute in their state code, but Kansas does not.

Federal exclusive jurisdiction means only federal entities may prosecute offenses committed in that territory. **Concurrent jurisdiction** allows **either** the state or federal authorities to do so. **Without concurrent jurisdiction on military installations there is no access to the state juvenile justice system and the federal government lacks an equivalent juvenile system.**

## The Need:

- Without concurrent jurisdiction on military installations there is **a black hole for juvenile justice on military installations**.
- Federal prosecutors routinely decline to prosecute **juvenile-on-juvenile sexual assault**, and local prosecutors lack legal authority to apply state laws to juvenile criminal conduct committed on federal lands. **While these cases are rare**, when they do occur, it is important to have a mechanism to deal with them appropriately and ensure juvenile cases can be adjudicated.
- Each time a military installation wishes to offer jurisdiction back to Kansas on any parcel of land, a separate statute must be passed.
- This bill **does not automatically confer jurisdiction**, but rather permits it to occur through a specific process which involves both State authorities and military installation participation.
- This retrocession statute streamlines the process and **offers flexibility to both the State and military to negotiate the terms of an offer and acceptance of jurisdiction, to include juveniles**.
- **The State can always decline to accept retrocession through the Governor's office, and even where accepted, local law enforcement and county attorneys would retain autonomy to decide what cases to investigate and prosecute.** This would typically be codified in a statutorily supported memorandum of understanding between law enforcement, prosecutors, and the military installation.