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Senate Judiciary Committee
Kyle Smith, Assistant Attorney General
In Support of SB 135
February 15, 2011

Chairman Owens and committee members,

Attorney General Derek Schmidt has asked me to appear in support of the passage of SB135 creating the Kansas racketeer influenced and corrupt organization act (RICO). The federal government and numerous other states have utilized RICO statutes effectively against organized criminal enterprises.

While any criminal or criminal act can be devastating to the victim, this approach to law enforcement recognizes that organized groups engaging in criminal activity can be more effective than the lone criminal. For good or evil, coordinated efforts by organization are generally more effective. As such, RICO statutes are the 'heavy artillery' in the list of weapons available against criminals. It is only applicable and available to be used against the organized criminals when the state can prove beyond a reasonable doubt a pattern of criminal activity.

This bill will provide enhanced penalties for participants in these criminal enterprises. All too often, even if a lead person is prosecuted and incarcerated, the other participants in a criminal organization will simply fill the open position and carry on business as usual. This bill would target all those planning, conspiring and reaping the benefits of these crimes enhancing our ability to close down the entire operation.

We urge you to support the favorable consideration of this bill.

Senate Judiciary
2-15-11
Attachment 11