

STATE OF KANSAS

KANSAS COMMISSION ON PEACE
OFFICERS' STANDARDS AND TRAINING
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SB 421

Testimony by the Kansas Commission on Peace Officers' Standards and Training
In Opposition

Chairman Estes and members of the Committee:

The Kansas Commission on Peace Officers' Standards and Training (CPOST) is responsible for regulating law enforcement officers in Kansas. CPOST is committed to providing the citizens of Kansas with qualified, trained, ethical, competent, and professional law enforcement officers. It is also dedicated to adopting and enforcing professional standards for certification of law enforcement officers to promote public safety and preserve public trust and confidence.

SB 421 proposes that felony convictions not be used to disqualify an individual for licensure, certification or registration for more than five years from the date of conviction unless the conviction is for a crime that is a person felony or a sexually violent crime, as defined in K.S.A. 22-4902, and amendments thereto.

SB 421 is in direct conflict with existing legislative intent regarding the qualifications for law enforcement officers. K.S.A. 74-5605(b)(3) provides that each applicant for certification shall not have been convicted of a crime that would constitute a felony under the laws of this state.

Allowing convicted felons to become certified as law enforcement officers is problematic for several reasons. Because they are vital members of the judicial system, law enforcement officers must adhere to a higher standard of conduct than what is expected of private citizens.

An applicant for admission must have conducted himself as a man of upright character ordinarily would, should or does. This higher standard is not reflected in taking the path of least resistance, but by doing the unpleasant thing if it is right, and the resolve not to do the pleasant thing if it is wrong. *Application of Walker*, 112 Ariz. 134, 138 (1975).

By requiring that a felony conviction only be used as a disqualification for five years, the result could be that an applicant for certification as a law enforcement officer is on probation or just recently released from incarceration at the time of certification. The application of SB 421 to applicants in the field of law enforcement yields an absurd result. Victims of crime and the public must be able to trust law enforcement officers with highly sensitive information. That trust would surely be eroded if an officer has been convicted of the same crime he is investigating or from which he seeks to protect a victim.

SB 421 is also particularly problematic in the law enforcement field due to firearms restrictions for felons. Law enforcement officers carry firearms and are required to qualify with those firearms annually. A conviction of a person felony, a drug felony, or a juvenile adjudication of a similar crime results in a permanent loss of firearm rights if a firearm was carried at the time of the offense. K.S.A. 21-6304(a)(1). If a firearm was not used, the prohibition is ten years for certain serious felonies if the offense was not pardoned or expunged, and five years for other person felonies. K.S.A. 21-6304(a)(3)(A) & (a)(2). Nonperson felonies result in a ten-year loss of firearm rights if committed with a firearm. K.S.A. 21-6304(a)(3)(B). The passage of SB 421 could result in an applicant being certified as a law enforcement officer, but unable to lawfully train with or carry a firearm.

Law enforcement certifications are like no other profession. CPOST respectfully requests that the Committee not pass SB 421.

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