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SENATE CHAMBER

**DAVID B. HALEY**  
SENATOR  
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**8 MARCH 2017**

**BEFORE THE SENATE JUDICIARY COMMITTEE. SEN. WILBORN, CHAIR. SEN. LYNN, VICE-CHAIR.**

**RE: SENATE BILL 128 - RELATING TO HATE CRIMES / REPORTING REQUIREMENTS**

Thank you for scheduling a hearing on this "blessed" bill, originally scheduled to be heard before turn-around but was taken off the Agenda; a matter of sentencing that is of great interest to many Kansans.

I strongly urge this Committee's review and passage to the full Senate of Senate Bill 128. Succinctly, SB 128 will reduce judicial discretion and prevent appealable reduction(s) in "hate" crime sentencing.

The last hearing on a similar bill (SB 1) was heard in Senate Corrections & Juvenile Justice Oversight Committee on January 22, 2015. A near identical (SB 230), was heard before the Senate Judiciary Committee fifteen years ago on January 28, 2002. (Other similar bills introduced were never acted on.)

Some improvement in recognition and classification of bias (or perception of bias) motivated crime (commonly referred to as "hate crime") has been made in Kansas; most notably in 2009. K.S.A. 21-6815, *et seq.*, makes a "hate" motivation an aggravating factor that MAY be considered by a judge in determining whether substantial and/or compelling reasons for sentencing departure exist. That departure can up to double the presumptive term but is often less and is subject to appeal.

Kansas often relies on the Federal government's hate crime statute to enhance prosecution and/or sentencing for these crimes for which the basis is only prejudice, bigotry and hatred. The U.S. Code has explicitly defined hate crimes since 1964. While all crimes should be prosecuted to the full extent of the law, there are senseless crimes whose victims are only harmed because of who they are. Today you are presented an opportunity once again to send a STRONGER message to those that seek to cause pain and suffering on citizens of Kansas for simply living their God-given right of individuality in America.

Here, in the shadow of several world recognized tragedies within our borders within the last three years (and for countless less "celebrated" examples), citizens look to us, "leadership", to provide environments that safely allows for identity and expression, regardless of warped perceptions and actions by others.

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