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Testimony in Support of Senate Bill 18

**Presented to the Senate Judiciary Committee
By Kansas Attorney General Derek Schmidt**

January 29, 2019

Chairman Wilborn and Members of the Committee:

Thank you for the opportunity to testify today in support of Senate Bill 18. This bill was requested by my office to provide a statutory procedure for the attorney general to enter into diversion agreements and to collect the costs and fees related to those agreements.

Historically, the attorney general has not had the need to routinely pursue diversion agreements, since the bulk of our work in the Criminal Litigation Division deals with major, person felonies, where diversion agreements are not appropriate. However, in recent years our office has expanded our capacity to investigate and prosecute a substantial number of “white collar” crimes, which resulted in the creation of our Fraud and Abuse Litigation Division in 2016. That division’s work includes the authorities that were transferred to the attorney general to prosecute cases that were previously handled by the Insurance Department and the Office of the Securities Commissioner. We have also entered into an agreement with the Kansas Department of Revenue to prosecute cases that are investigated by their Office of Special Investigations, include tax fraud, driver’s license fraud and related crimes.

Some of these prosecutions involve lower-level felonies or misdemeanors involving defendants who have little or no criminal history. The interest of justice in these cases sometimes warrants the consideration and granting of a diversion. The bill before you today would create the statutory mechanism to allow our office to do that when the circumstances warrant.

Thank you for your consideration.

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