



**Written Testimony in Support of Senate Bill 133
Senate Committee on Judiciary**

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony in support of Senate Bill 133. This bill addresses some key issues faced by law enforcement agencies while collecting and maintaining evidence.

The Kansas Highway Patrol collects sizeable amounts of contraband and property as evidence to assist in the prosecution of criminals. With the current statute in place, return of property that is not contraband, such as firearms, has been cumbersome due to the wide-ranging legal interpretations of what is required in K.S.A. 22-2512. While recognizing that the primary goal of K.S.A. 22-2512 is to preserve evidence for prosecutions, it is also important to address what happens when this evidence is no longer needed. SB 133 protects a citizen's rights to their property and gives clear guidance to law enforcement on how that property should be handled.

Returning property to the lawful owner is paramount, but there are situations when law enforcement agencies are unable to do that. Pursuant to *Henderson V. United States* (2015) a ruling from the Supreme Court, individuals who cannot lawfully possess a firearm under either state or federal law still have an ownership interest in that firearm if it was lawfully acquired. The changes proposed in this bill allow the Highway Patrol to respect this ownership interest, while keeping firearms out of the hands of those whose rights to possess firearms have been restricted by law.

SB 133 also addresses concerns to the health and safety of our employees posed by storing large quantities of controlled substances. Our evidence personnel are responsible for transporting large amounts of dangerous substances such as fentanyl and methamphetamine to labs for testing or to evidence storage facilities throughout the state. By allowing law enforcement to treat drug contraband as dangerous substances, we can preserve only what is needed for testing and court purposes. This will limit the risk of hazardous material spills, as well as prevent the combustion of packages due to pressure changes. Storing smaller amounts of controlled substances will also limit any sicknesses that can be caused by the fumes from storing large quantities of these drugs.

The Kansas Highway Patrol believes in treating all persons and their property with courtesy and respect. The preservation of individual dignity and constitutional rights is paramount in performing our duties. Protecting the rights of coworkers and providing a safe, secure working environment are of equal importance. The Kansas Highway Patrol appreciates the opportunity to submit written testimony and fully supports SB 133.

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