

To: House Corrections and Juvenile Justice

From: John Goodyear, General Counsel

Date: January 24, 2022

RE: Opposition Testimony on HB 2133 – Written Only

We want to thank Chairman Owens and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to HB 2133.

HB 2133 would require that all officers executing a search warrant at a dwelling be properly uniformed and that the officer knock and announce their presence before entering. While “no-knock” warrants have become increasingly rare, at times they are still necessary to protect the safety of people in the dwelling and the officers executing the warrant and to prevent the destruction of evidence. Before executing a search warrant, officers routinely spend time examining the variables that may exist in a given scenario that will put people and evidence at risk. Law enforcement officers then make decisions on how to best achieve the goal of protecting the public. Removing the ability to execute a warrant without first knocking and announcing will remove a rarely used, but important tool that helps our law enforcement entities realize that goal.

Further, the requirement that officers be properly uniformed is, at best, unclear. Law enforcement entities all across the state utilize different attire. Officers serving with different law enforcement entities, or even in the same entity with different functions, wear different attire in the performance of their duties. As the bill is drafted, a detective wearing plain clothes as part of their day-to-day attire would be unable to execute a warrant without first changing to a uniform. Additionally, an officer called away from a duty not requiring a uniform to help with the execution of warrant would be required to take the time change before arriving to give assistance. This seems like it would be impracticable, especially when time is of the essence.

The League opposes this bill because of the limits that it imposes on law enforcement discretion and would ask that the committee not recommend HB 2133 favorably for passage.