



Kansas Sheriffs' Association

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Testimony to Committee on Corrections and Juvenile Justice Opposing Testimony on HB 2133

Chairman Owens and Committee Members,

The Kansas Sheriff's Association opposes HB 2133.

We understand why this bill has been introduced, due to a tragic incident in Louisville, Kentucky. Although that incident is tragic and the law enforcement officers served the search warrant at the wrong house, it did not occur in Kansas. No-Knock search warrants have been utilized for decades in Kansas. The intent is to serve a no-knock search warrant as a last resort.

No-Knock search warrants were utilized more often in the 1990's than in this current period. The reason for this is the documentation needed to even have the no-knock portion of the search warrant approved by a District or County Attorneys prior to review by a judge in some districts but at least with the review and approval of a judge. The documentation needed has to reach a certain threshold before a judge will approve it.

Case law in the State of Kansas and the Supreme Court controls the analysis on no-knock warrants. No-Knock search warrants are allowed only in rare occasions when the judge is convinced that law enforcement have a reasonable suspicion that knocking and announcing their presence, under the particular circumstances, would be dangerous or futile or that it would inhibit the effective investigation of the crime by allowing the destruction of evidence. The reasonable suspicion has to again be explained in the affidavit so the judge understands why, and the judge has to be convinced.

Search warrants are controlled by the 4th amendment of the United States Constitution. The following Kansas State Statutes is the law we have to follow on search warrants:

K.S.A. 22-2505	Application
K.S.A. 22-2502	Search warrants issuance
K.S.A. 22-2505	Serving the Warrant
K.S.A. 22-2401a	Jurisdiction; law enforcement officers

KSA would also like to point out that there are very violent criminals that we encounter including cartels from Mexico, murder suspects, individuals who have shot citizens or law enforcement officers and individuals who have extensive violent criminal behavior who have also declared that they will shoot law enforcement on site. The application for a no-knock search warrant is for these type of criminals and situations law enforcement encounters. The safety of law enforcement also should be considered in this bill as well.

Last year the Sedgwick County Sheriff's office did not apply for a single no-knock search warrant. We served approximately 120 search warrants. In talking with other partners in law enforcement, no-Knock search warrants are very seldom used and only applied for based upon analysis provided by case law in the State of Kansas and by the Supreme Court of the United States.

Thank you for your consideration.

Sheriff Jeffrey T. Easter
Legislative Chair for the Kansas Sheriff's Association