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SENATOR MIKE PETERSEN

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March 1, 2022

SB 300

Chair Patton and Members of the Committee, thank you for the opportunity to present written testimony in support of SB 300.

SB 300 attempts to add the crimes of identity theft and identity fraud to the Kansas Anti-Racketeering Statute and/or the Kansas RICO Law.

When we were developing these Statutes the Attorney General helped me understand that these laws should be reserved for criminal enterprises engaged in a pattern of criminal activity that has a much greater effect on the community and on innocent residents than does any individual crime taken by itself. In other words, the whole is greater than the sum of the parts and therefore should be subject to greater penalties.

This bill would give our Law Enforcement the tools to use and the ability to go after the CEO's of these criminal enterprises. By having SB 300 in Statute, it would allow Law Enforcement to further direct their investigations of the people who may be financing and/or organizing the identity theft and or identity fraud but not actually committing the crime themselves.

By prosecuting under the State Statute, the criminals could be subject to a sentence of 2-5 years. This would make them more willing to plea bargain with information on their leaders than if they were just facing presumptive probation.

Other advantages would be if investigations are conducted under a State level RICO Law, smaller communities would not have all the time-consuming trips to Wichita or Kansas City. There would be no need for a Federal Sponsoring Agency to be present at the time of serving Search Warrants. This would free up Federal Agents to pursue other priority investigations.

Former Chief Justice McFarland wrote in her concurring and dissenting opinion "Fortunately, it is rare for such CEO'S to be prosecuted in the State Courts of Kansas. "

I sincerely hope we never have to use this; however, by having this in place it will be a deterrent for these criminal enterprises. We have learned from the unemployment fraud that by not having the appropriate penalties in place it makes Kansas a target for these crimes.

Thank you for your consideration of SB 300.

A handwritten signature in blue ink that reads "Mike Petersen".

Senator Mike Petersen