

Testimony on SB419

Submitted To

The House Judiciary Committee

By

Randy Bowman
Executive Director of Public Affairs

Kansas Department of Corrections

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I would like to take this opportunity to thank Chairperson Patton and the members of the Committee for this hearing on Senate Bill 419 and for including this bill on the list of important policy matters before this body. The Kansas Department of Corrections (KDOC) is a proponent of this bill and asked for its introduction.

The bill amends K.S.A.74-5602(g) by including the Special Agents of the Enforcement, Apprehension and Investigations (EAI) division of KDOC alongside the lengthy list of other police officers or law enforcement officers listed in this statute. This is necessary so that those KDOC employees may attend the law enforcement training center, or any training school certified pursuant to K.S.A. 74-5604a, and training courses provided by the same. The bill also allows the Secretary of Corrections to designate, with the consent of the Director of Police Training at the Kansas Law Enforcement Training Center (KLETC), an employee who is not a Special Agent to attend these trainings.

The proposed bill language is the same as 2020 HB2695 that passed the House on a vote of 125-0 and was heard in Senate Judiciary on March 10, 2020, just days before the coronavirus pandemic abruptly disrupted the 2020 session. The need for these changes persists today, which was recognized by the Senate who passed SB419 40-0 on February 23, 2022.

The law enforcement authority of the Department and its employees has long been described in Kansas law, some examples of which are included at the end of this testimony. Why these staff have not previously been specifically included in the Kansas law enforcement training act is unknown. These staff are responsible for the safe apprehension of absconders from parole supervision in our communities and partner with local, county, state and federal law enforcement agencies on fugitive task forces across Kansas. KDOC Agents also conduct criminal investigations alongside state and local law enforcement. However, today, these staff do not receive the same training in investigations, tactics, searches, and law as all other Kansas law enforcement officers.

We ask the Committee to pass SB419 so that our staff can receive the same training as other law enforcement officers. And commit to you that if the bill is passed, job requirements will be updated to require each EAI Special Agent to complete this training and maintain certification as a law enforcement officer in the State of Kansas as a condition of employment.

Thank you for your consideration of SB419.

KDOC Law Enforcement Authority

The following statutes address the topic of law enforcement authority of the Department and/or Secretary of Corrections.

K.S.A. 22-2202(m)

"Law enforcement officer" means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, community corrections officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

K.S.A. 75-5247a

Powers and duties of corrections officers. The warden of any correctional institution within the Kansas department of corrections, all deputy wardens, all persons on the staff of the department of corrections who are in the chain of command from the secretary of corrections to the corrections officer and every corrections officer, regardless of rank, while acting within the scope of their duties as employees of the department of corrections, shall possess such powers and duties of a law enforcement officer as are necessary for the performance of such duties and may exercise such powers and duties anywhere within the state of Kansas. Such powers and duties may be exercised outside the state of Kansas for the purpose of maintaining custody, security and control of any prisoner or inmate being transported or escorted by anyone authorized to so act. Such employees of the department of corrections shall be responsible to and shall be at all times under the supervision and control of the secretary of corrections or the secretary's designee.

K.S.A 21-5111(p)(2)

"Law enforcement officer" means: any officer of the Kansas department of corrections or, for the purposes of K.S.A. 2020 Supp. 21-5412 and subsection (d) of K.S.A. 2020 Supp. 21-5413, and amendments thereto, any employee of the Kansas department of corrections.