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January 26, 2022

To: Kansas Senate Judiciary Committee
Todd Thompson, Leavenworth County Attorney
Kansas County and District Attorney's Association Legislative Chair

Re: Testimony in support of Senate Bill 366 an amendment to the burglary statute

Senator Warren and members of the Senate Judiciary Committee:

Thank you for hearing SB 366 that amends the current burglary statute to add more protections to those structures that have locked or secured portions within their dwellings and buildings.

We are asking for this amendment due to recent court opinion, (*State v. Glover*, 56 Kan.App.2d 1234 (2019)). In that case the Court found a locked room within a church not sufficient to prove a burglary. The Court in that opinion noted that they are required to view the penal statutes in favor of the accused. The Court went on to say that if this not the interpretation the Legislature intended they could change the language. This is what we ask for today.

We ask that our burglary statute have more clarity and more protections. Dwellings and buildings, like churches, have the expectation of privacy in their non-public-rooms. Although this bill may seem like common sense to you and me, we find ourselves in a position to ask you to amend this statute to clarify what we believe your intent was all along. We ask you to protect our churches and businesses. People already should know they cannot go into locked rooms and take items, but now we need our statutes to better clarify that.

Sincerely,

Todd Thompson
Leavenworth County Attorney