

CALVIN H. HAYDEN  
SHERIFF



DARYL W. REECE  
UNDERSHERIFF

DUTY HONOR SERVICE

588 E. Santa Fe, Ste. 2000  
OLATHE, KANSAS 66061  
WWW.JOCOSHERIFF.ORG

## **Proponent Testimony to the Senate Committee on Judiciary for SB190 January 17, 2024**

Chair Warren, Vice Chair Wilborn, Ranking Member Corson, and Members of the Committee:

The Johnson County Sheriff's Office requested **SB190 — Requiring a waiver of extradition proceedings as a condition of release prior to trial for any person charged with a felony** and we offer the following supporting testimony.

This is the same language as **SB457 - Requiring a waiver of extradition proceedings as a condition of bond** from the 2022 Legislative session. That bill was introduced February 8, 2022, had a hearing in this committee on February 16, was recommended for passage by this committee on February 21, 2022, and unanimously passed the Senate on February 23, 2022.

The bill was supported by the Kansas County & District Attorneys Association, and the Kansas Sheriff's Association.

The bill moved to the House side where, although it received a hearing, it was never worked by the committee and died there on May 23, 2022.

This bill, if enacted into law, would require that a person in Kansas charged with a felony sign, as a condition of bond, a waiver of extradition. With the waiver on file, once our agency is notified of a fugitive in an asylum state, the extradition process begins immediately. The fugitive can be collected and brought back to Kansas to answer his or her charges.

In 2021, Johnson County District Courts filed a total of 246 Fugitive Cases from Out of State fugitives refusing to waive extradition with 193 of the cases being from the State of Missouri.

If a person in Kansas, who is out on bond for their Kansas felony charge, goes to another state and is charged with a crime/traffic infraction there, they are subject to that state's jurisdiction for the charge they are accused of in that state. Once they complete their sentence in that state, the theory is they would be held for the Kansas agency to come and pick them up. The Kansas fugitive could fight extradition, a time consuming, resource intensive process for both states.

The extradition process involves the agency that has charges against the fugitive, the local county or district attorney, the Kansas Attorney General's Office, the governor's office, the governor of the asylum

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state, the attorney general of the asylum state, the local prosecutor where the fugitive was apprehended (charges the fugitive was apprehended for are offenses alleged to have happened in the asylum state – NOT the charges pending in Kansas), the jurisdiction that has the Kansas fugitive in custody, and the court where the Kansas fugitive is being held.

Rather than expend time and resources the fugitive may be given bond on the fugitive charge by the asylum state. The asylum state is the state the Kansas fugitive fled to. A judge in that state may issue a bond. If the fugitive defendant can make bond, he or she is free to go. The theory behind this is that they will return to Kansas to take care of the charge they have. That seldom happens.

If the waiver is in place, this process is greatly shortened, the odds of the Kansas fugitive being detained until he or she can be picked up by the Kansas agency who has jurisdiction is increased. The criminal justice process is more efficient.

As stated earlier in my testimony, 78% of extraditions in Johnson County are from the state of Missouri. The time and resource consuming extradition process is set in motion for a person who is just a few miles away from Johnson County – a large portion of the extraditions are from persons held in Kansas City, MO.

Other states have similar statutes. We borrowed this language from Colorado (CO Code § 16-4-105 (2022)).

We anticipate there would be a cost savings and there would certainly be a savings of manhours. We ask the committee to recommend the bill favorable for passage.

Greg Smith  
Special Deputy Sheriff for Government Affairs  
Johnson County Sheriff's Office  
Phone: 913.249.2954  
Email: gregory.smith@jocogov.org