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**Neutral Testimony to the Senate Public Health and Welfare Committee  
On SB371**

February 6, 2024

Chairperson Gossage and Committee Members:

Our Associations are submitting this neutral testimony on SB371 to point out an issue the committee should look at if the bill moves forward. We chose not to provide supporting testimony because we are unclear if the proposed change presents any issues with the current silver alert system or any guidance that must be followed in these alert systems. We also do not know how many times this new alert classification would be used and how that might impact the effectiveness of all alert systems. We know from other attempts to add alerts there is concern about using the alert systems too frequently to a point the public becomes numb to them, negatively impacting their efforts to assist.

Law enforcement takes locating missing persons with intellectual disabilities as an urgent function. We will gladly take all the help we can get in locating those missing persons as quickly as possible.

The item we believe needs further discussion is the term “intellectual disability” on page 1, line 15 of the bill. It is important the term be defined to provide clarity on when this alert is to be used. It is also important that the definition is something law enforcement can readily determine if the person meets the standard, without a clinical analysis. We note there are definitions for that term in several current statutes, including:

1. K.S.A. 76-12b01. The definition uses the terms “significantly subaverage general intellectual functioning” and “adaptive behavior” within the definition which are also defined in the same statute. This statute is referenced in several other statutes for the purpose of defining the term.
2. K.S.A. 21-6622 references the definition in K.S.A. 76-12b01, but adds some additional descriptors, “to an extent which substantially impairs one's capacity to appreciate the criminality of one's conduct or to conform one's conduct to the requirements of law.”.

Perhaps a good solution would be something like K.S.A. 21-6622 with a different descriptor. We are not sure what such a descriptor would look like but are confident those working with persons with intellectual disabilities could help come up with conditions which heighten difficulty in recognizing how to return to their care takers and recognizing dangerous situations they might get into.

We will be available to work with others on a solution to this issue.

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