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**Testimony to the House Corrections and Juvenile Justice Committee
In Support of SB174
March 8, 2023**

Chairman Patton and Committee Members:

Our associations requested this bill in response to increased cases of foot pursuits for persons who are violating the interference with a law enforcement officer statute, KSA 21-5904.

In 2019, 12 law enforcement officers in the US were feloniously killed during foot pursuits and one accidentally died during a foot pursuit. In addition to those killed, an unknown number were injured during foot pursuits, some seriously. That was up from 4 officers feloniously killed and one accidental death during foot pursuits in 2018. Data from 2020 and 2021 was collected in a way the data is not clear for foot pursuits, and 2022 data is not available yet. But it appears the numbers are continuing along a similar path to what we saw in 2019.

Those that are fleeing on foot are the offenders the bill is designed to address. These foot pursuits are inherently dangerous not only to the officers and the offender, but also to anyone the offender crosses paths with. Offenders fleeing on foot often lead to car jackings and unlawful entries into homes during the foot pursuit.

In current law, the only action that determines the severity level of interference is the type of crime the person is being sought for at the time of the interference. The current statute does not take into account the severity of the interference activity or the danger it poses to the officer or to the public. The two areas where these concerns are high are in foot pursuits and in physically resisting an arrest or detention. We chose to focus on the foot pursuits because the physical struggles to gain control of the suspect will generally end up in other crimes being committed such as assault or battery to the law enforcement officer. However, foot pursuits are different because they pose a danger to the officer through various threats without a criminal act other than the interference charge. First is the high risk of injury during a pursuit created by obstacles during the pursuit. Second is the high risk the person being pursued will take up a place of hiding and ambush the officer. Third is the risk to public safety by acts such as car jackings, kidnappings, or other crimes where innocent citizens are placed in harm's way.

We are asking to amend the statute on interference of a law enforcement officer to recognize these added dangers in a foot pursuit and increase the penalty level for those cases of interference by fleeing on foot from an officer. We propose limits on the application of this violation level by requiring the officer to have reason to believe the person has committed, is committing, or is about to commit a crime as provided in KSA 22-2402. This is the statute that governs when a

law enforcement officer can detain a person to investigate their activities. I have included the relevant portion of that statute at the end of our testimony for your convenience. If those conditions required in KSA 22-2402 do not exist, the enhancements would not apply.

Current law provides interfering in the case of a felony or a person on parole, probation, or bail for a felony is either a SL8 nonperson felony or SL9 nonperson felony depending on which subsection of the statute is violated. For this new provision in (a)(4) for fleeing on foot, we are asking for these to be a SL7 felony if the person is not armed with a firearm and a SL5 felony if the person is armed with a firearm. We are proposing fleeing for a misdemeanor to be a Class A misdemeanor, the same as it is for violating the current subsections of the statute.

We encourage you to move this bill forward favorably.

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22-2402. Stopping of suspect. (Subsection relevant to this discussion)

(1) Without making an arrest, a law enforcement officer may stop any person in a public place whom such officer reasonably suspects is committing, has committed or is about to commit a crime and may demand of the name, address of such suspect and an explanation of such suspect's actions.