

OFFICE
ROOM 134-E
STATE CAPITOL BUILDING
TOPEKA, KANSAS 66612
(785) 296-7376; (785) 296-0103/FAX
David.Haley@senate.ks.gov

STATE OF KANSAS



DISTRICT
CIVIC CENTER STATION
POST OFFICE BOX 171110
KANSAS CITY, KANSAS 66117
(913) 321-3210; (913) 321-3110/FAX
SenHaley@aol.com

SENATE CHAMBER

DAVID B. HALEY
SENATOR
DISTRICT 4
WYANDOTTE COUNTY

8 March 2023

BEFORE THE HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE

Rep. Stephen Owens, Chair. Rep. Eric L. Smith, Vice Chair. Rep. Dennis "Boog" Highberger, Ranking Member.

OPPOSITION TO: SENATE BILL 174.

Increasing Criminal Penalties for Crime of Fleeing from a Law Enforcement Officer

Chairman and Members of the House Corrections and Juvenile Justice Committee:

Thank you for earnest review of both my oral and, now, written **OPPOSITION SB 174.**

As the former Ranking Member of the Senate Judiciary Committee and longtime member of the Kansas Sentencing Commission, please accept my sincere apology for not having been more diligent in attempting to quell this basically non-productive and potentially costly piece of legislation far earlier.

Succinctly, Senate Bill 174 would increase the criminal penalties for individuals fleeing from law enforcement officials, not within motor vehicles. My main opposition to this bill comes from the distinction between the rights of a pedestrian versus the privileges accorded a vehicle operator (driver). It is law enforcement's job to ensure that drivers of vehicles are properly registered and licensed to operate the vehicle; especially when a genuine errant operation is witnessed. Even though often a product of racial, or other biased-based policing, profiling, law enforcement's traffic stops (pre-textual as in "illegal lane-change" or "busted tail light" etc.) are often justified to achieve this goal and maintain this privilege to legally operate a motor vehicle.

Mr. Chair, members, pedestrians do not need a license to merely exist in public spaces. Citizens have a legal right to not be intruded by law enforcement officials. When confronted, often unnecessarily for only being publicly present, approached and harassed by a cop when no actual crime has been committed nor even a flimsy "pre-textual stop" reason offered is a blight on every American's constitutional guaranty of unreasonable search and seizure or, often, right to peaceably assemble. To be further prosecuted for fleeing from these officers when, as we have so OFTEN sadly witnessed in our country, to do so might be an effort to avoid personal physical abuse at the hands of these "authorities", is often a further legal insult to healthy efforts at self-preservation. Believe it or not, Mr. Chair, many people are simply deathly afraid of any contact with police.

Finally, **SB 174**, if enacted will ONLY result in a large increase in bedspace in KS' near overcrowded prisons; further incarcerating people longer for running from the police. I suggest most Kansas taxpayers want to protect public from harm, insure greater public safety and not waste necessary prison beds on fleeing, eluding charges. If enacted, do you think ANY one will "think twice" about a longer sentence before running from a cop?

This increase in sentencing is NOT a deterrent to the "crime" NOR will it enhance safety and is costly.

I earnestly urge SB 179's rejection; its proposed effects revisited by the Judicial Council and/or the Sentencing Commission and its revisitation in some future venue.

Thank you again for this time and I am pleased to stand for questions at the appropriate time.

Respectfully Submitted,
David Haley, J.D. (Wyandotte)
Senator/Kansas

913.544.6749 (cellular)

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