

Testimony to the
Senate Committee on Judiciary
Senate Bill 534
Jeralyn Wheelles
Kansas State Lodge Fraternal Order of Police
March 8, 2022

Chair Warren, Vice Chair Wilborn, Ranking Member Haley and Members of the Committee, thank you for allowing my testimony in support of Senate Bill 534.

My name is Jeralyn Wheelles, I am an Officer with the Topeka Police Department. I am currently assigned to the Alcohol, Tobacco, Firearms and Explosive Task Force as a Task Force Officer. I have held this position for over 16 years.

I offer this testimony representing the Kansas State Lodge Fraternal Order of Police, which is the largest fraternal police organization in Kansas with over 4,200 members. I appreciate the opportunity to offer testimony in support of Senate Bill 534.

The Reduce Armed Violence Act, known as Senate Bill 534 would require that felons who illegally possess firearms in the commission of a new violent crime be considered presumptive prison instead of probation. This would be in addition, to any penalty they would receive for the new violent felony conviction. The sentencing guidelines proposed would be for the offender to serve their sentence consecutively to any other sentence the offender would receive for the underlying violent crime. The sentencing range contained in Senate Bill 534 is that offenders who possess a firearm while committing a violent felony would receive a sentence of 7 months to 23 months of incarceration depending on the offender's criminal history.

Current Kansas law provides that certain convicted felons may not possess firearms. However, the current laws allow repeat felony offenders who are apprehended possessing firearms to receive probation. As a law enforcement officer for over 21 years, it has been my experience these same repeat felony offenders often are dismissive of the legal consequences in possessing a firearm. This is in part due to the fact that they are aware the likely consequence for possessing a firearm as a prohibited person is probation rather than prison.

As a Task Force Officer I have witnessed many repeat convicted felons whose only concern is whether their case would be prosecuted federally. Again this is due to the longer prison sentencing that they could receive if prosecuted federally.

The majority of homicides in Topeka are committed with firearms and a significant portion of those homicides are committed by prohibited felons in possession of firearm. It is also my experience that local law enforcement agencies often depend on the federal government to prosecute felons in possession of firearm due to their stiffer penalties. But in light of recent federal court rulings these stiffer penalties are diminishing.

The Reduce Armed Violence Act, could close the loophole for probation and allow for incarceration for repeat offenders who are using firearms to commit crimes. We strongly support the passage of Senate Bill 534 because it would remove violent criminals from the streets.

Members of the Committee, thank you for your consideration.

Senate Judiciary Comm.
Date _____
Attachment _____