



Kansas County & District Attorneys Association

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To: Chairman Wilborn and Members of the Senate Judiciary Committee
From: Kim T Parker, Prosecutor Coordinator: Kansas County and District Attorney's Association
Date: February 8, 2017
Re: Oral and Written Testimony as a proponent of Senate Bill 113
Chairman Wilborn and Members of the Senate Judiciary Committee:

Good Afternoon Chairman Wilborn and to your Committee,

Thank you for the opportunity to provide testimony as a proponent of SB113. I am Kim Parker and I am addressing you on behalf of the Kansas County and District Attorney's Association and the many Kansas prosecutors they represent. I have recently retired after serving the citizens of this state for over 32 years, as a prosecutor in Sedgwick County. During that time, I had the occasion to be in contact with hundreds of victims of residential burglary and hundreds of defendants whose crimes included breaking into the homes of others, for the purpose of, stealing, committing sexual assault or other crimes of violence against the individuals inside the home.

SB113 is proposed to return the crime of burglary to a dwelling as a SL7 **person** felony, as it had been for 23 years, before it was compromised last session by HB2462 to a SL 7 **nonperson** felony. When the Kansas Sentencing Guidelines were enacted in 1993 residential burglary was identified as a Person crime because of the heightened danger to both victims and defendants when an individual burglarizes a dwelling place of another.

Residential burglary is a crime that carries a devastating personal impact to its victims even when they are not personally assaulted, injured or even present during the burglary. Victims of a home invasion burglary, forever, lose their sense of safety and security. A person's home is their Castle, it is the place where they sleep, eat, play, pray and live as families. A person's most valuable assets are kept in their homes, jewelry, firearms, family heirlooms, passports, checkbooks, identification documents, electronics, pets, and other very personal effects. The heart and soul of common law and the US constitution and the 4th amendment has long recognized the personal impact that attends a violation of personal privacy and the attack upon a person's home and personal effects.



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Disturbingly, the individuals who are willing to break into the home of another person are some of the most emboldened of criminals. They are willing to damage, destroy and take from others without regard to the danger that may exist to themselves or others. Where the resident has a legal right to defend themselves with deadly force to protect their home and their person from this illegal entry.

Some of Kansas's most notorious and dangerous criminals were burglars. Richard Hickock and Perry Smith entered the farm home of the Clutter family in Holcomb, Kansas to steal; Reginald and Jonathan Carr returned to the residence of their four murdered victims to retrieve electronics, money, clothing and other personal effects of Brad Heyka, Heather Muller, Aaron Sander and Jason Befort; Dennis Rader (BTK) confessed to burglarizing hundreds of homes to take personal effects of women whom he stalked and fantasized of killing.

The burglary of a dwelling place should be identified in Kansas as a person crime because of the invasion of personal privacy, the extreme violation of a person's safety and security and the danger to life that exists to both the victim and the violator when an unlawful entry into a residence occurs. We strongly urge you to return residential burglary to a **person** felony through the passage of SB113.

Respectfully Submitted,
Kim T Parker
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