

To: House Judiciary

From: Eric B. Smith, Deputy General Counsel

Date: February 20, 2019

RE: Testimony in Opposition to HB 2151 - WRITTEN ONLY

I want to thank Chairman Patton and the Committee for allowing the League of Kansas Municipalities to provide written testimony in opposition to HB 2151.

From our research of citizen-initiated grand juries, it appears Kansas is one of only six states that allows this practice. The history of the use of a citizen-initiated grand jury in this state finds that this procedure has been used as a political attack device and HB 2151 would make it even easier to attack someone without any concern of liability for false allegations.

The process for calling a citizen-initiated grand jury only requires the person filing the petition to make “general allegations” that “if true, would warrant a true bill of indictment.” This is a very low threshold. There is no requirement for a determination if the petition contains sufficient allegations; only a requirement to assure the petition contains proper signatures.

At times, citizens can become upset with the actions taken by city administrations or elected officials. The citizen-initiated grand jury has been used in some instances to try and force a change in administration based on rumors and allegations of criminal activity for which there is no evidence. Many times, decisions are made concerning personnel and, due to privacy and employment law liability concerns, a city cannot fully disclose all the facts behind the action taken. Unfortunately, the citizen-initiated grand jury process can be used to subject the administration to attacks from a group of citizens without a thorough understanding of the situation and in the process can ruin the reputation of city staff just doing their job.

If the immunity proposed on page three of the bill starting at line 39 is passed into law, there would be no repercussion for those who would use this procedure as a way to intimidate public servants and ruin the reputations of individuals in this state. In the era of social media, it is easy for a group of citizens to create an uproar in a community with nothing but conjecture repeated to the point it appears to be reality.

Based on the above concerns the League respectfully asks the Committee to not pass HB 2151 out of this committee.