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Testimony to the
House Committee on Corrections and Juvenile Justice
House Bill No. 2031
Dustin Carlat
Kansas State Lodge Fraternal Order of Police
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Chair Owens, Vice Chair Smith, Ranking Member Highberger and Members of the Committee, thank you for allowing my testimony in support of House Bill No. 2031. I'm Dustin Carlat and serve as a Detective with the Shawnee County Sheriff's Office and currently assigned to the Alcohol, Tobacco, Firearms and Explosive Task Force as a Task Force Officer. I have been employed with the Shawnee County Sheriff's Office since 1995, a Detective since 2004, and an ATF Task Force Officer since 2021.

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 appear before you today in support of House Bill No. 2031.

The "Reduce Armed Violence Act", known as House Bill No. 2031, would require "Presumptive Prison" sentencing instead of the current "Presumptive Probation" when involving an offender that has been previously convicted of a violent felony when the same offender is found guilty of another violent felony while in possession of a firearm. This would be in addition to any penalty the defendant 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 House Bill No. 2031 is that offenders who possess a firearm while committing a new violent felony would receive a sentencing range from 7 months to 23 months incarceration, depending on the offender's criminal history.



Current Kansas law provides that certain convicted felons may not possess firearms. However, the current law allows repeat felony offenders who are apprehended while possessing a firearm to receive probation. As a law enforcement officer for over 27 years, it has been my experience that repeat offenders dismiss the legal consequences of possessing a firearm because of the current sentencing guidelines. Career offenders know the consequence of possessing a firearm will likely result in “Presumptive Probation” instead of Prison and are willing to take that risk.

As a Task Force Officer for the ATF, I have personally witnessed previously convicted felons whose only concern is whether their case would be prosecuted at the State level or at the Federal level. Again, this is due to the consequences being so much greater if prosecuted Federally.

Most homicides in Topeka are committed with firearms and a significant portion of these homicides are committed by convicted felons with the use of firearms. It is my experience that local law enforcement agencies often depend on the Federal government to prosecute prohibited felons in possession of firearms because of the stiffer penalties. It is also my experience that a large percentage of these prohibited armed felons don't qualify for Federal prosecution because of Federal charging standards. This results in violent felons receiving “Presumptive Probation” at the state level.

The “Reduce Armed Violence Act”, would do away with “Presumptive Probation” sentences involving repeat offenders who are using firearms to commit crimes. I strongly support the passage of House Bill No. 2031. It is my belief this would help reduce the number of violent crimes with the use of firearms by keeping repeat offender off the streets.

Members of the Committee, thank you for allowing my testimony, and at the appropriate time, I am pleased to answer your questions.