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**Testimony to the House Committee on Corrections and Juvenile Justice
In Support of HB2666
February 12, 2024**

Chairman Owens and Committee Members:

HB2666 is designed to address a gap in the existing fleeing or attempting to elude a police officer statute sentencing provisions. In current law there is no increase in penalties for repeat offenders of the more serious violations of the statute.

Vehicle pursuits are dangerous to everyone involved and those around the pursuit: the officer, the violator, and the public. One of the common factors in a pursuit is the driver of the fleeing vehicle making a decision to put themselves and others at risk to avoid facing an enforcement action. This is usually with no concern for anyone else or anything other than their own desire to escape contact with law enforcement.

Unfortunately, there are some violators of this law who are repeat offenders. In the law today, the severity level is gauged on different levels of risk the person poses for any given pursuit. Prior convictions do not figure into the severity level except in the lowest levels of risk.

To simplify the application of the statute:

1. The various violations of the statute start with the least serious risk.
 - a. Subsection (a)(1)(A) is for a driver who does not make an effort to elude the officer, but simply doesn't stop.
 - b. Subsection (a)(1)(B) is for a driver who makes some effort to elude the officer without engaging in the aggravating dangerous activities listed in subsection (b).
 - c. The severity level of violations of subsection (a), the violations above, starts as a B nonperson misdemeanor for the first offense; an A nonperson misdemeanor for a second offense; and a SL9 person felony for the third and subsequent offense and are unchanged in the bill.
2. As we move on to the more dangerous offenses in subsection (b) we see in subsection (b)(1) 6 events listed in current law that raise the severity level and in subsection (b)(2) the fleeing to elude capture for a felony is an aggravating factor.
 - a. A violation subsection (b)(1) or (2) is a SL9 person felony for the first and all subsequent offenses.
3. Subsection (b)(3) applies when even more dangerous acts occur during the attempt to elude.
 - a. A violation of this subsection is a SL7 person felony for the first and all subsequent offenses.

As you can see in the more serious violations in 2 and 3 above, there is no increase in severity level for repeat offenders. What is proposed in this bill is to fix that by leaving the first offense as provided in current law but adding two increases in each. The first increase for a second violation of subsection (b) to a SL5 person felony, and a further increase to a SL3 person felony for the third or subsequent violations.

We believe the proposed severity levels are appropriate for the repeat offenses of the higher risk violations. We ask you to move the bill forward favorably.

Ed Klumpp
Legislative Liaison