



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

House Corrections and Juvenile Justice Committee
Testimony of Kyle Smith, Assistant Attorney General
Deputy Director, Kansas Bureau of Investigation
In Support of HB 2534
February 8, 2012

Chairman Colloton and Members of the Committee,

I appear today on behalf of Attorney General Derek Schmidt and the Kansas Bureau of Investigation in support of HB 2534, legislation that would require a minimal level of responsibility from those who are responsible for children.

The KBI has the statutory duty to operate the Missing Persons Clearinghouse. We work with law enforcement agencies, individuals and organizations throughout Kansas and nationwide in an effort to identify missing persons. However, we can't do anything if the person isn't reported missing. Children are an extremely vulnerable population and are dependent on adults for their care and protection. If those adults fail in the duty, the children suffer.

The portion of the bill requiring immediate reporting of the death of a child is equally critical. While it may be too late to save that child, immediate notification will allow a proper investigation and could have life saving consequences to other children in that environment. I spoke with one of my agents who has investigated 5 horrific cases where newborn babies are thrown in ditches, buried in yards or even put in a septic tank. From a forensic point of view, if the body obtained for autopsy in the first 24 hours, it is frequently impossible for the medical examiner to testify whether the child was still born or murdered. We realize that someone who would kill a newborn baby is unlikely to comply with the terms of this bill, but in a worst case scenario there would at least be some legal consequences, however inadequate, to the parents.

I would make one drafting suggestion. On page 1, line 30, in the definition of "caretaker", the term "or death" should be added to the end of the sentence to cover both caretakers during a disappearance or a death.

(d) As used in this section, "caretaker" means a person 16 years of age or older that has willfully assumed responsibility for the care of a child at the time of the child's disappearance **or death**.

I would be happy to answer any questions.

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