



State of Kansas

Office of Judicial Administration

Kansas Judicial Center
301 SW 10th
Topeka, Kansas 66612-1507

(785) 296-2256

House Federal and State Affairs
February 21, 2013
Testimony on HB 2055

Chris Mechler
Office of Judicial Administration

Thank you for the opportunity to testify regarding HB 2055. My name is Chris Mechler. I am the Court Services Officer Specialist for the Office of Judicial Administration and have over 20 years of experience working for the Kansas Judicial Branch in the area of court services. HB 2055 raises significant concerns regarding the safety of our personnel and the public we serve.

Judges and nonjudicial personnel serve the public in all 105 counties. There are 110 courthouses and 135 facilities total statewide where court personnel conduct business. Most of the courthouses also contain county offices, such as county treasurers, county clerks, and registers of deeds, where non court business is conducted. Of the 110 courthouses, only 12 have what may qualify as “adequate security measures” as defined in New Section 1 (k) (1). The vast majority of courthouses and all 25 of our non-courthouse facilities do not. Section 2 (f) gives the county the authority to restrict the possession of a firearm in such county’s courthouse or court-related facility but only if they have adequate security measures to ensure no weapons are permitted to be carried into such facilities, storage lockers for weapons, appropriate policies and regulations, and appropriate signage. County governments, responsible for the funding of courthouses and other county buildings, understand the risks and where these security measures have been determined necessary and funding has been available, they have been installed. For most counties, however, such measures have been determined too costly. It should be noted that, in addition to the cost of the equipment described in New Section 1 (k) (1) required to provide “adequate security measures,” personnel costs for staff to operate the equipment and otherwise provide security are also necessary. In most instances, this staff would likely have to come from the county sheriff’s department.

Courthouses and most of our non-courthouse facilities are, by nature, centers of conflict. Security threats exist in literally every case type heard by the district courts and with almost every case supervised or managed by court personnel after judgment has been rendered. While serious criminal cases with victims, witnesses and family members present the most obvious cases; divorce cases, for example, including child custody and the division of property present high risk, also.

In addition to the actual hearing of cases in courtrooms, court business is also conducted in the court clerks' offices and in court services offices in courthouses and other court buildings. Court clerk's offices process paperwork and payments related to cases, which can often lead to high tension and potential conflict situations. Most of our non-courthouse buildings are office space for court services officers. CSOs are involved in many situations with the potential for tension and conflict, including events such as parents participating in mediation to resolve disputes over parenting time or visitation. Introducing the potential for weapons to be present in any of these situations or others too numerous to list can only serve to raise the risk of high tension situations escalating into violence.

Some would make the argument that the public deserves the right to self-protection when the government will not or cannot. While there is some truth to this, in court facilities, where we bring people in conflict together, introducing the possibility of a concealed weapon, even on an individual who lawfully obtains a concealed carry permit, substantially raises the risk to everyone in the building. Courthouses are unique. The risk present in and around a courthouse is much greater than almost any other building in a community. While I would like to see every courthouse secured with adequate measures, I believe introducing concealed carry into our courthouses raises the risk to the employees and to the public.

Just nine days ago, inside the courthouse in Wilmington, Delaware, five people were shot and at least two killed when a gunman opened fire. In December 2011, inside the courthouse in Grand Marais, Minnesota, a county prosecutor and two bystanders were shot and wounded. And in September 2011, inside a judge's courthouse office, a gunman opened fire in Van Buren, Arkansas; he was later shot dead by police.

Shootings also occur just outside of courthouses. Only fifteen days ago, just outside the courthouse in Kaufman, Texas, an assistant district attorney was shot and killed. Last March, directly outside the courthouse in Beaumont, Texas, a gunman shot and wounded his twenty-year-old daughter, her mother and a bystander, and killed a 79-year-old woman. And earlier in March three people, including a sheriff's deputy, were shot and wounded just outside the courthouse in Tulsa, Oklahoma.

If HB 2055 moves forward, I urge you to maintain the exemption for courthouses and locations where court personnel are working.

New Section 1 (c) is in direct opposition to Supreme Court Administrative Order No. 20 signed in 1979 which prohibits court services officers from possessing weapons during the performance of their duties. This policy was reviewed a few years ago and the consensus among court services officers and the Supreme Court was to retain the policy unchanged. Notwithstanding the bills regarding concealed carry before this legislature, the Supreme Court is once again reviewing this policy. One of the primary factors in support of retaining the policy was the significant cost to the counties for equipment and training court services officers if they were permitted to carry a firearm.

The National Center for State Courts, in their “Steps to Best Practices for Court Building Security,” (published February 2010, revised January 2013) recommends screening for all weapons at entry points to court buildings when possible. The NCSC further recommends only uniformed officers tasked with providing security in the court building and other uniformed law enforcement officers on duty be armed in court buildings. Law enforcement officers on personal business, in uniform or plain clothes, or even plain clothes officers on duty in the courthouse to testify, should be prohibited from carrying weapons in the courthouse or required to check their weapons with security.

If HB 2055 moves forward, I urge you to maintain the exemption for courthouses and locations where court personnel are working. Thank you very much for your time and consideration of this position.