

Mr. Chairman, Members of the Committee: Veteran members of this committee will recall that for the past two years, law enforcement officers have attempted to develop a process by which retailers of pre-paid wireless devices (“burner” phones) would be held financially harmless for the necessary hardware, software, and employee training, while law enforcement officers would have access to the data necessary to combat human trafficking, drug sales, and other destructive crimes. HB 2084 accomplishes that objective. My second written testimony attached to this document outlines the manner in which individual rights are protected, a vendor is selected, and data will be accessed.

I will use this testimony to address the concerns that I expect the telecommunications companies to raise. Please remember, if you purchase a wireless device and receive a monthly bill from AT&T, Verizon, Sprint, T-Mobile, or any other company, HB 2084 does not affect you. This only addresses those situations where someone purchases a “burner” phone and can use a false name to activate the pre-paid minutes.

1. **No Other State Has Enacted a Pre-Paid Device Registry:** That is true. But the same argument was made against the first state to develop a pharmaceutical product registry to reduce the purchase of drugs to make methamphetamine. It also is the argument made against the first state to create a scrap metal sale registry. Kansas has very successful programs in both categories. But, why should Kansas always be a follower? You are all leaders – otherwise you would not have been elected to the Legislature. Why should Kansas wait for some other state to act?

The argument will be made that criminals will go to Missouri to purchase the “burner” phones. In the short-term, that is probably true. But, Missouri and other states’ legislators are watching us because their law enforcement officers have the same issues in terms of protecting their citizens. Passage of HB 2084 will be emulated in other states.

2. **Pre-Paid Registry Laws Will Not Deter Criminal Activity:** That is true. The money involved in drug sales, human trafficking, and other gang activities ensures that criminals will continue to

use “burner” phones to conduct their business. They use “burner” devices because they currently cannot be tracked by law enforcement officers. Making purchasers of such devices show government identification will enable law enforcement officers to link gang members when one such device is found during an investigation.

The larger question is “why have any laws that do not prevent criminal activities?” Laws establish what is acceptable and unacceptable behavior, but they also provide the tools necessary for law enforcement officers and the courts to remove people from society who demonstrate that they pose a threat to others.

- 3. Pre-Paid Registry Laws Have Unintended Consequences:** I do not know how to respond to this objection. I know of no unintended consequences of the pharmaceutical products or scrap metal sales registries. The Pre-Paid Wireless Device Registry is not like the Sex Offender Registry that goes out of date because someone moves or fails to register. There will be no unintended consequences – unlike with Chicken Little, “the sky is not falling.”
- 4. Privacy Will Be Invaded:** That is NOT True. HB 2084 requires the Secretary of Administration to select a vendor with experience in working with law enforcement agencies to ensure data confidentiality, preventing use of the data to “stalk” a former spouse, or use it in any manner without a court order. The data will only be accessed with a court order in a legitimate investigation or prosecution. This registry will be no more intrusive than the pharmaceutical products and scrap metal registries.
- 5. Existing Tools Already Exist to Assist Law Enforcement Agencies in Apprehending Criminals Using Pre-paid Wireless Devices:** This is a misleading objection. Remember, if someone purchases a “burner” phone with cash, they acquire the phone and minutes. To register the minutes and phone, they can go on-line. That means they can use a fake name and fake address. If they use a computer provided by/at the local library, they do not leave a unique Internet address.

The goal of HB 2084 is to enable law enforcement officers who apprehend one member of a gang with a “burner” phone to trace back to who purchased it, how many other phones were purchased, and where do we find the person who made the purchases so that law enforcement officers can ask questions. There are no comparable tools available through the communications companies.

Concluding Comments: There is a saying in both law enforcement and politics – “Follow the Money.” The arguments by the telecommunications industry representatives are not about protecting the public from the over reach of law enforcement officers – that is our job as state legislators. Utility companies frequently try to cloak themselves under the mantel of protecting consumer interests. The companies are in a competitive business – wireline versus wireless, AT&T versus Verizon, gaining and retaining customers and revenues to meet or exceed Wall Street expectations. If making it more difficult for

people who purchase pre-paid wireless devices to conduct their drug, prostitution, human trafficking, and other businesses results in a few less dollars for the telecommunications companies, that is a trade-off I am willing to accept as a stockholder.

Thank you for your attention to my comments and thoughtful consideration of HB 2084. I will respond to questions at the appropriate time.