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**Testimony to the Senate Judiciary Committee
Neutral Testimony Regarding SB128 – Hate Crimes
March 8, 2017**

Chairman Wilborn and Committee Members,

Our associations are sensitive to the harm done by hate crimes and are supportive of efforts to address those concerns. We are aware the current law has sentencing enhancement provisions for hate crimes which the bill strikes on page 11, lines 3-8 and replaces with a special sentencing rule on page 9, lines 26-42. We will not opine in the issue of moving the penalties for hate crimes from an upward departure decision by the court to a doubling of the sentence. We neither support nor oppose the provisions in sections 1 and 2 of the bill.

The reason for our testimony is found in section 3 of the bill on page 13.

In regards to section 3, subsection (a) on the collection of data we want you to be aware the current standard offense report includes the identification of hate crimes. That data is included in the current Kansas Incident Based Reporting System (KIBRS) at the KBI. What is proposed in subsection (a) is already on the report, including bias for race, religion, ethnicity, national origin, sexual orientation, or disability. The KBI is in the early processes of replacing the KIBRS reporting database to allow for better integration with local systems, more robust data collection at the state level, and better analysis capabilities. We believe the provisions in this subsection are not necessary as the data capture is already in place and any improvement to the reporting and analysis at the state level is dependent on appropriate funding to replace the KIBRS database. You should also know the FBI Criminal Justice Information Unit has informed us they are enhancing the current National Incident Reporting Requirements, including enhancements to hate crime reporting. Changes like these made at the national level typically become part of our state Incident Based Crime Reports. However, the details of those new requirements may not be finalized yet.

In regards to subsection (b), law enforcement training has included hate crime identification, investigation and reporting for many years. We do not believe this subsection is necessary and as written inappropriately shifts the development of curriculum and training from the Kansas Law Enforcement Training Center who has been developing and conducting this training for years.

If you decide to move this bill forward, we recommend striking all of section 3 of the bill. We are not making a recommendation either way on moving the bill forward if section 3 is stricken.

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