



SUPPORT FOR HB 2474 – Reducing the penalties for violating the Kansas Offender Registration Act and creating a method to waive payment of fees

Written Testimony of Nadine F. Johnson

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CORRECTIONS AND JUVENILE JUSTICE COMMITTEE – Feb. 4, 2020

Chairman Jennings and Members of this Committee,

Thank you for the opportunity to present testimony on this issue. The ACLU of Kansas is a nonpartisan, non-profit organization that works to preserve and strengthen the constitutional liberties of every person in Kansas. The ACLU of Kansas supports HB 2474 as a positive step toward reducing the prison population in our state, and as a means of ensuring sentencing proportionality in relation to the offense of failing to register.

We commend efforts by this body and others to address the immediate need for criminal justice reform. As we know, Kansas prisons are beyond capacity. Effective, lasting reforms to reduce the prison population require solutions across the system. We view the changes envisioned by HB 2474 as a vital part of the criminal justice reform framework.

It was in 1999 that the Kansas legislature amended the statute to make failing to register a felony. By reclassifying failure to register to a misdemeanor, HB 2474 puts Kansas in a position to reduce the prison population meaningfully. From FY 2014 – FY 2018, over 1,000 people were sent to prison for failing to register.¹ In FY 2018, failing to register was the fourth most common prison sentence for a non-drug crime, behind burglary, aggravated battery, and theft.

This change would also establish better sentencing proportionality. This is welcomed, as we know from available data that punishment for failing to register can actually be more severe than the original crime that person committed.²

Finally, this bill would be a nod to the challenges facing individuals trying to re-enter society. Job scarcity and lack of living wages for people with criminal records can mean that the burden to pay fees presents a real barrier to timely completing the requirements of complying with the Kansas Offender Registration Act in its current form. HB 2474 is a positive step forward to allowing people re-entering society to do so without unnecessary hurdles or roadblocks due to their financial status.

The ACLU of Kansas urges this body to support HB 2474. Thank you.

¹ Figure 12: Failure to Register Sentences, page 17, KANSAS SENTENCING COMMISSION FY 2018 ANNUAL REPORT, available at https://www.sentencing.ks.gov/docs/default-source/annual-reports/fy2018annualreport.pdf?sfvrsn=5f8bfd3f_6

² Scott Schulz, Executive Director of Kansas Sentencing Commission, January 19, 2019 testimony to Corrections and Juvenile Justice Committee, see slide 10 regarding sentencing proportionality, available at http://www.kslegislature.org/li/b2019_20/committees/ctte_h_corr_juv_jus_1/documents/testimony/20190116_02.pdf