



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7300



**Kansas Sheriffs
Association**

PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the House Judiciary Committee
In Support of HB2191
February 12, 2019**

Chairman Patton and Committee members:

Electronic evidence is becoming more critical in more criminal cases. Electronic evidence presents unique challenges. The first question is the seizure of the device or the media containing the data. The second is extraction of the data from the device or media. And the third is the analysis of the data. This is further complicated by the number of devices that are encrypted or otherwise locked with only a few places in the country possessing the tools and knowledge to access the data.

This bill is the culmination a long effort to address shortcoming law enforcement faces in the search warrant statutes relating to electronic data. It is designed to delineate the time period for service of the warrant to seize the data devices and media to the general 96-hour period for search warrants, while allowing additional time for extracting the data from the device followed by the analysis of the data.

Additionally, it addresses another critical issue by allowing the actual downloading and analysis of the data to be completed out-of-state. In many instances, these devices, once properly seized by law enforcement, cannot be analyzed in Kansas and must be sent out of state. Having the analysis of evidence completed out of state is nothing new. For years we have submitted evidence out of state for analysis. The FBI and DEA labs are examples. But the uniqueness of getting to the data on a seized device has presented legal difficulties in the current search warrant statutes.

We believe HB2191 will address these concerns and assure justice for our victims and encourage you to move HB2191 forward with a recommendation for passage.

Ed Klumpp
Legislative Liaison
eklumpp@cox.net