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Testimony to the Senate Committee on Judiciary in Support of Senate Bill 57
February 3, 2021

Chair Warren, Vice Chair Wilborn, Ranking Member Haley, and Members of the Committee:

The Johnson County Sheriff's Office supports **SB57**. We provided testimony to the Special Committee on the Kansas Emergency Management Act last September and outlined three areas of concern for us under KEMA. One of those concerns was a request for the Legislature to make the speedy trial issue a top priority for this session. We provided testimony in support of HB2078, the House version of this bill last week.

The COVID-19 response has put a strain on the criminal justice system and if the normal jury trial procedure is ever able to followed again there will be a need for security for the large number of jury selections that will be needed. The jury selection process requires many more people than just those that are selected to sit in the jury box. The sheriff's office is charged to provide court security and a safe, secure environment in our district court, pandemic or not. These duties include everything from escorting incarcerated defendants to court, providing security for judges and court personnel, as well as those utilizing the courthouse for any number of reasons. We are also responsible for the safe and secure detainment of those serving a sentence for a crime and/or those charged with crimes. Those charged with crimes are detained due to judicial proceedings concerning bail or are a public safety risk.

The sheriff does have a responsibility to ensure that no one's constitutional rights are violated, including the right to a speedy trial. This issue was brought to the forefront last year by a letter from the Kansas County and District Attorneys Association. The temporary solution crafted by the Legislature needs to a permanent one that is put together by a deliberative legislative process – not an executive order or judicial fiat.

Constitutional rights are not negated due to a pandemic but one of the issues for Kansas is the codification of a speedy trial. That is in statute and that can be changed. It is also a procedural matter and one that can be applied retroactively. This would be like the actions taken when I served in the Senate in 2013, when we changed the law to "fix" the SCOTUS interpretation of case law due to *Alleyne v. United States*. Kansas law had suddenly become

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unconstitutional due to this interpretation and the Legislature applied a remedy that was upheld in the courts – a procedural solution.

It is up to this committee to thoughtfully craft a solution to this issue. There is plenty of time for the Legislature to enact law to deal with this problem. Please do not rush to implement what seems to be a solution. Our research indicates that there will be challenges to the temporary solution enacted under KEMA. It is imperative that the Legislature get this right. The alternative is that persons charged with truly heinous crimes will be released and will not face the consequences of their action in court because the charges will be dismissed.

Thank you for the opportunity to provide testimony to this committee and we ask for that you favorably advance the bill out of committee.

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