



**KANSAS BAR
ASSOCIATION**

TO: **The Honorable Elaine Bowers, Chair**
 And Members of the Committee on Transparency and Ethics

FROM: **Joseph N. Molina**
 On behalf of the Kansas Bar Association

RE: **KBA Support for HB 2096** – Authorizing department of corrections employees, local correctional or detention officers, judicial branch employees, municipal court employees and administrative hearing officers to have identifying information restricted from public access on public websites that identify home addresses or home ownership.

DATE: **March 24, 2021**

Chairperson Bowers and members of the Committee on Transparency and Ethics, my name is Joseph Molina and I appear on behalf of the Kansas Bar Association in **SUPPORT** of HB 2096 which would restrict public access to home address of the following groups:

- a presiding officer who conducts hearings pursuant to the Kansas administrative procedure act;
- an administrative law judge employed by the office of administrative hearings;
- a member of the state board of tax appeals;
- an administrative law judge who conducts hearings pursuant to the workers compensation act; and;
- a member of the workers' compensation appeals board.

The issue before us is one of safety. Allowing the general public to access the home address of ALJ, tax hearing officers or worker compensation members could pose serious safety consequences.

Administrative Law Judges at the Kansas Office of Administrative Hearings have received several credible threats of violence. Three instances, all referred to the Capital Police for investigation, have occurred within the past year. The first was a disbarred out of state lawyer who was denied a real estate license. This individual made threats against the hearing officer on Facebook. The second instance an ALJ was threatened during the hearing itself and sent a Facebook friends request of the ALJ. The third request was threatening behavior from a self-described anti-government petitioner.

In response to these credible threats OAH offices have undergone significant remodeling to better secure their workspace. Additional physical barriers between the public and staff have been

constructed. Entrances are now accessed thru keycard and hearing rooms are separate from offices.

But these precautions do not extend to homes and families of these hearing officers. At the very least these hearing officers should have the same options as other groups listed in KSA 45-221(52). ALJs, worker comp hearing officers, tax board members all share the same concerns as District Court Judges, Municipal judges, and United States Attorneys when it comes to safety. Yet, current law only exempts the latter groups. This legislation would extend those same protections for similar conduct to the former group. It is critical that we close the loophole that exist in KSA 45-221 by including these other hearing officers to the named groups that can limit public access to their home address.

For these reasons, the KBA supports HB 2096 and urges this committee to expand the groups of individuals protected by KSA 45-221(a)(52).

Thank you for your time and attention. I am happy to stand for questions when appropriate.

About the Kansas Bar Association:

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals. Its more than 7,200 members include lawyers, judges, law students, and paralegals. www.ksbar.org