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Testimony in Support of Senate Bill 18

**Presented to the House Judiciary Committee
By Assistant Attorney General Paul Brothers**

March 7, 2019

Chairman Patton and Members of the Committee:

Thank you for the opportunity to appear on behalf of Attorney General Derek Schmidt and provide testimony in support of SB 18. My name is Paul Brothers and I am an Assistant Attorney General in the Fraud and Abuse Litigation Division. This bill was requested by the attorney general's office to provide a statutory procedure for the attorney general to enter into diversion agreements and to collect the costs and fees related to those agreements.

Historically, the attorney general has not had the need to routinely pursue diversion agreements, since the bulk of our work in the Criminal Litigation Division deals with major, person felonies, where diversion agreements are not appropriate. However, in recent years our office has expanded our capacity to investigate and prosecute a substantial number of "white collar" crimes, which resulted in the creation of our Fraud and Abuse Litigation Division in 2016. Our division's work includes the authorities that were transferred to the attorney general to prosecute cases that were previously handled by the Insurance Department and the Office of the Securities Commissioner. We have also entered into an agreement with the Kansas Department of Revenue to prosecute cases that are investigated by their Office of Special Investigations, include tax fraud, driver's license fraud and related crimes.

Some of these prosecutions involve lower-level felonies or misdemeanors involving defendants who have little or no criminal history. The interest of justice in these cases sometimes warrants the consideration and granting of a diversion. The bill before you today would create the statutory mechanism to allow our office to do that when the circumstances warrant.

Thank you for your consideration.

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