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Testimony to the House Committee on Judiciary in Opposition of HB2376
February 22, 2021

Chairman Patton and members of the committee:

The Johnson County Sheriff's Office opposes **HB2376**. We have no opposition to requirements for a policy. We have a policy in place for both domestic violence calls and for protective orders. We have no authority to "keep the suspect away from the scene for a period of time," unless the evidence and investigation indicates a probable cause arrest should be made. However, we have no control over how long that person who was arrested will be held in custody. That is up to the courts.

Additionally, law enforcement has no constitutional or legal authority to prohibit an owner/renter of a home from returning home. If that person was arrested, they may return home, unless, again, the courts issue an order prohibiting it. If the incident occurred on someone else's property, they may be issued a trespass order by the owner of the property. However, our response to that – other than documenting it – would be to respond to the address if the person returns to the property after being warned not to. Depending on circumstances – an arrest may be effected.

It appears the intent of this bill is to make sure that law enforcement arrests anyone who violates a protection order. We may not be able to do that. Some of these orders have child custody orders in them. That is not something that we can arrest someone for. Copies of the orders are not always readily available. Even if the victim or suspect has a copy of the order in their possession, we still must verify the order is valid. That is not always possible to do.

Many offenses for violating an order are misdemeanors. Law enforcement is limited on making a misdemeanor arrest. Certain provisions must be present – such as the loss of evidence or bodily harm has occurred. Otherwise we cannot make a misdemeanor arrest.

The Johnson County Sheriff's Office fully supports enforcing domestic violence laws and PFA's. We are concerned this bill may impact how that is done. We ask the committee not to recommend this bill for passage.

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