

**House Corrections and Juvenile Justice Committee
February 15, 2023**

**House Bill 2350
Testimony of the BIDS Legislative Committee
Presented by Jennifer Roth
Opponent**

Dear Chairman Owens and Members of the Committee:

House Bill 2350 would create the crimes of human smuggling and aggravated human smuggling. As currently drafted, HB 2350 would criminalize all kinds of everyday professional and humane acts that people do. HB 2350 also involves a legal determination based in federal law that laypeople (and even many attorneys) are not equipped to make. For these reasons, the BIDS Legislative Committee opposes HB 2350.

In HB 2350, “human smuggling” is broadly defined as “transporting, harboring or concealing an individual into or within Kansas who the person knows, or should have known, is entering into or remaining in the United States illegally.” Human smuggling would be a severity level five person felony, which is the same severity level and classification as involuntary manslaughter, robbery, reckless aggravated battery, and aggravated burglary. Aggravated human smuggling would be a severity level three person felony, which is the same severity level and classification as voluntary manslaughter, aggravated robbery, aggravated arson, and attempted second-degree intentional murder.

First, whether someone is in the United States “illegally” is a question of federal law, and is not easily answered. Immigration law is a specialized practice area; there are special courts that handle federal immigration matters. Yet HB 2350 would allow for severe criminal punishment based on the premise that a person should have known that someone was here “illegally” under federal law.

Furthermore, under HB 2350’s broad definition of “human smuggling”, the following situations could be serious person felonies:

- School bus drivers taking children to school
- Employer taking an employee to a job site
- Young person taking their grandparent to the doctor
- Victim-witness coordinator giving a state’s witness a ride to court
- Domestic violence advocate providing shelter in a confidential location
- Workers at a homeless shelter providing shelter to people in need
- County transport officer taking someone to the courthouse or jail
- Uber or Lyft driver giving someone a ride

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Ambulance driver responding to a 911 call
Teacher or parent volunteer taking children on a field trip
Driving girl or boy scouts to a ceremony
Faith leaders or parishioners taking people to and from church
Resident assistants caring for college students in a dorm
Greyhound bus drivers traveling between states
An attorney or legal assistant giving a client a ride to court or treatment
A family member allowing a relative to stay at their home

If this bill aims to prevent specific conduct that harms vulnerable people—such as exploiting people for money under the guise of providing them safe passage to somewhere—then it should be rewritten accordingly.

The Legislature has had similar proposals before it in the past, which have not moved out of committee. See, *e.g.*, 2011 HB 2372.¹ For the reasons above, we urge you to reject this proposal.

Thank you for your time,

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¹ http://www.kslegislature.org/li_2012/b2011_12/measures/hb2372/;
http://www.kslegislature.org/li_2012/b2011_12/committees/resources/ctte_h_jud_1_20110310_min.pdf