



Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

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Testimony of Jon Powell, Chair
Kansas Equality Coalition of Hutchinson and Reno County
Senate Committee on the Judiciary
In Support of SB56
February 8, 2011

Good morning, Mr. Chairman and members of the committee. I am Jon Powell, chair of the Hutchinson/Reno chapter of the Kansas Equality Coalition.

As a former Reno County Sheriff's Deputy, I would like to offer testimony in support of SB56.

As a law enforcement officer, I took an oath to protect and serve the citizens of the State of Kansas by enforcing all Kansas statutes.

It was drilled into us at the Law Enforcement Training Center in Hutchinson, and by our Field Training Officers, that the Legislature made the laws and it was up to us to enforce them, hence why we were called law enforcement officers.

Just because a law might seem archaic, I did not have the ability to NOT enforce laws that were on the books. That would be a dereliction of duty, and in violation of my oath of service. We were allowed "officer discretion" in situations, but most of the time that was used when writing traffic citations. We were not able to use our discretion if we thought a law was unconstitutional. As long as a law was on the books, it was enforced.

For most misdemeanors, arresting the person involves taking them, to jail and making them post bond, or, if they don't have funds to post a bond, they would have to see the Judge at the next available time. On weekends, that could be up to 3 days.

How would you like to be arrested and held for a crime that is really not a crime—because the law that you broke has been determined to be unconstitutional by the highest court in the United States? I myself Mr Chairman would be on upset taxpayer and American. As a gay American, I find the current statute criminalizing same-sex relationships to be outrageous and offensive.

I urge this committee to vote in favor of SB56, and remove this unenforceable and unconstitutional law from Kansas Statutes.

Thank you for your time. I am willing to stand for questions.

Senate Judiciary
2-8-11
Attachment 3