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SENATOR MIKE PETERSEN

February 15, 2011

SB 135

Chairman Owens, Members of the Committee,

SB 135 will create The Kansas Racketeer, Influenced and Corrupt Organization Act.

SB 135 is the same as SB523 (2010) which we passed late last year 38 -1 in the Senate updated for statute changes we made. This Act should give our State law enforcement tools to pursue criminals who engage in a pattern of criminal activity. This legislation is modeled after Florida's R.I.C.O. Act which has been successful in reducing gang related crimes in the state of Florida. The goal of this Act is to help law enforcement prosecute the people financing and leading criminal enterprises engaged in a pattern of racketeering. "Pattern of racketeering" is defined on page four of the bill which requires two previous incidents of racketeering activity within five years. One incident must be after the enactment of this bill. This act creates a level two person felony. The high severity level felony has been used by prosecutors to encourage people charged, to provide information pertaining to those involved at higher levels in the criminal organization. Florida's successful R.I.C.O. Act was first enacted 29 years ago. Since the enactment of this act 4,233 charges have been filed, 1,258 convictions with 621 charges resulting in 487 people sentenced to the state prison. Adjusting for Kansas's population difference 18.7 million for Florida to 2.7 million for our state, Kansas has a population roughly of 14.5% of Florida and dividing by the 28 years I have found data on. A rough estimate this impact would come out to around 3.2 per year. As noted in the bed space impact report it is very difficult to determine the actual impact. I have been told Florida has seen reductions in gang related activity since they started using their State R.I.C.O. Act to address the people financing or running gangs.

Attached is a copy of arrests and violations from Florida's criminal history files.

Thank you for your consideration,

Senator Mike Petersen

Senate Judiciary

2-15-11

Attachment 9

RECORDS FROM FLORIDA'S CRIMINAL HISTORY FILES, 1982 - PRESENT
Arrests and Convictions for violation of Florida Statutes 895.01 - 895.06

	Individuals	Events	Charges
Arrests	3,115	3,441	4,233
Convictions	1,007	1,021	1,258
Convictions resulting in sentence to State Prison*	487	494	621

* This is a subset of Convictions.

FLORIDA
 POPULATION 18,7
 KANSAS 2.7M
 14.5%

Florida's Computerized Criminal History (CCH) is fingerprint-based and, unless prints were taken at a later stage in the criminal justice process, does not include records involving a notice to appear, direct files or sworn complaints where no physical arrest was made. FDLE does not warrant that the records provided are comprehensive or accurate as of the date they are provided, only that they contain information received by FDLE from contributing agencies, and that any errors or omissions brought to FDLE's attention are investigated and, as needed, corrected. Note that Florida Statute is an optional field for the Arrest segment. As such, approximately 25 percent of arrest entries do not contain statute reference. CCH data is as of February 2, 2010.

Data prepared and provided by the Florida Statistical Analysis Center, February 5, 2010.
 Prepared for Athena Andaya, Kansas Legislature Research Department (785-296-4420),