



## **Kansas Association of Chiefs of Police**

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## **Kansas Peace Officers Association**

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### **Testimony to the Senate Judiciary Committee In Opposition to HB2042 Collection of Data on Pornographic Material March 10, 2011**

The Kansas Association of Chiefs of Police and the Kansas Peace Officers Association oppose HB2042. The mandate to collect this information as provided in this bill creates an unfunded mandate for law enforcement agencies throughout the state and comes with a high price tag to the KBI. The data to be collected does not appear to add anything to the law enforcement ability to identify or prosecute offenders. It is clearly a statistical gathering of information that cannot be used for any other purpose. This is confirmed on lines 24-25 of the bill.

When this type of material is found in the course of an investigation and it is relevant evidence to a criminal act it is currently seized and documented on the property section of the reports. If child pornography is found it is seized as evidence of a separate crime. So the only data this proposal gathers is for the presence of pornography that has no evidentiary value.

To date, the offense report has been kept relatively clear of pure statistical data gathering with no investigatory or prosecution purpose. This proposal is an unnecessary burden on law enforcement resources. This is a slippery slope to start down. Once we open the door to this kind of statistical data collection there will be plenty of other advocacy groups that will be knocking on the legislative door asking you to add even more data collection elements to the offense report. Law enforcement should not be tasked with yet another statistical data collection requirement that has nothing to do with the investigation and prosecution of a criminal act.

The estimated cost to the state for this bill is in excess of \$700,000 over two years. The cost to local agencies will be from no cost to generally around \$5,000 with a few large agencies possibly as high as \$15,000 to \$20,000 dollars. These costs are due to the proposed changes to the offense report data bases at both the state and local levels. That change requires changes to the state offense report database, local records management systems, state and local electronic reporting gateways, field reporting software, data entry screens, and to paper reports. Both the local agencies and the KBI are currently struggling with budgets. If the dollars for this bill can be located, they can clearly be better used to enhance gaps in laboratory and other investigatory law enforcement needs. For example, addressing KBI laboratory backlogs and other support to local law enforcement and prosecutors.

This bill is also in conflict with KSA 21-2501a which provides the Attorney General is responsible for the approval of offense report forms, and therefore the content of those forms. We could find no existing statute dictating what data is to be collected on the offense report. This is an area the legislature has not entered into before.

We urge you to not recommend this bill favorably for passage.

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