



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

**DEREK SCHMIDT**  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
[WWW.AG.KS.GOV](http://WWW.AG.KS.GOV)

**Testimony in Support of Senate Bill 16  
Kansas Racketeer Influenced and Corrupt Organization Act**

**Presented to the Senate Judiciary Committee  
By Attorney General Derek Schmidt**

**January 29, 2013**

Mr. Chairman, members of the committee, thank you for the opportunity to present testimony today in support of Senate Bill 16.

Last year, in close cooperation with the Wichita Crime Commission, my office developed a statewide anti-gang initiative called Gang Free Kansas. It is modeled on the successful anti-gang efforts of Gang Free Wichita, and it has numerous components – including education and outreach to young Kansans, coordination among law enforcement agencies and prosecutors, and support for local anti-gang initiatives.

One component of our initiative, however, included a review of the laws available to Kansas law enforcement officials and prosecutors to use in combating gang crimes. Senate Bill 16 is a result of that discussion, and it is recommended by our informal Gang Free Kansas working group on legislation.

The bill has two key provisions:

First, it would amend the test in the existing Kansas anti-gang law that determines whether a person may be considered a “criminal street gang member” or “associate.” As you will hear in testimony from law enforcement officers who work in anti-gang enforcement, the current definition is cumbersome and substantially limits the usefulness of the existing law.

Second, the bill would create a Kansas anti-racketeering statute, or Kansas RICO law. As you know, racketeering laws are based on the notion that with some criminal enterprises, the whole is greater than the sum of the parts – and, therefore, should be subject to greater penalties. A criminal street gang, for example, may commit numerous low-level crimes, but the *pattern* of criminal activity has a much greater negative effect on the community and on innocent residents than does any individual crime taken by itself. The federal government has successfully used the federal RICO statute to combat criminal street gangs, including those in Kansas. Giving Kansas

law enforcement officials access to this tool at the state level would be a powerful step forward in our anti-gang efforts.

I would note that efforts in years past to enact a state-level RICO law have been met with concerns that the proposal might be too broad and have unintended consequences. To resolve that concern, our working group focused on narrowing the bill before you this year. I would point out that the list of crimes that can fall under the proposed anti-racketeering law is shorter than in years past, and I also would note that this measure is narrowly crafted to apply only to four groups of people: criminal street gang members, criminal street gang associates, human traffickers, and drug dealers.

Thank you for your consideration of this important matter.