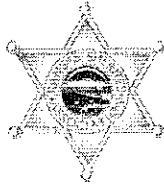




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**Testimony to the Special Committee on Judiciary
In Support of Attorney General's Recommendation Regarding the Hard 50 Sentencing Provision
August 26, 2013**

Chairman Kinzer and Committee Members,

The Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association supports passage of legislation to bring the Hard 50 sentencing provision quickly and clearly into compliance with the US Supreme Court ruling in *Alleyne vs. US*. To be clear, we will leave the discussion to the prosecutors and other attorneys to explain the legal aspects of bringing the long standing Kansas sentencing statute into compliance with the new case law.

Our focus is to encourage you to take definitive action during the upcoming special session to assure the Hard 50 sentence remains an option in the egregious cases where public safety demands these worst of offenders remain out of public contact, assuring they cause no further harm in our communities. In our opinion, there is no doubt as to the importance of retaining the existing Hard 50 sentencing by fixing the procedural issue of how the imposition of the Hard 50 sentence is decided. This issue is clearly a most pressing public safety issue which will impact the people of Kansas for many, many years in the future. To even allow a small window of time when the Hard 50 sentence cannot be imposed will put future victims at risk in years to come.

We also encourage you to pass a bill only addressing the procedural provisions of the law and to not make any substantive changes to the application of the law. It is likely you will hear suggestions to make further amendments to the law beyond what the recent case law demands. If such suggestions are made, those changes should be considered in the regular session and separate from the proposed bill. It is our understanding that by only addressing the procedural sentencing provision the proposed bill gives the best opportunity for the changes to be applied in existing cases. In our opinion this approach is in alignment with the will of the majority of Kansans who expect persons convicted of these heinous crimes to not be eligible for parole for a very long time.

As first responders we are well aware of the terror, and the horrendous pain and suffering the victims of these crimes suffer as they die at the hands of these criminals. Our officers are the first on the scene and not only see and experience the immediate aftermath of the actions of these criminals but also are tasked with the collection of evidence and recording every grisly detail of the scene. It is law enforcement who is first to see the terror the victims have endured; and it is law enforcement officers who are responsible for interacting with the families and survivors of these attacks as we piece together the facts to identify the perpetrators and bring them to justice. We strongly support laws, like the Hard 50 sentencing, that reduces the risk for future victims of repeat offenders.

The Hard 50 is primarily designed to assure public safety by keeping the worst and most vicious of the criminals in prison for a minimum of 50 years, which is the only way to be certain they will not reoffend and create more victims. Passing the bill to accomplish the above will not change existing substantive application of the law. Passing the bill will assure continuation of the public policy that has been in place for a significant period of time.

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