



# *Kansas State Lodge*

## *Fraternal Order of Police*

Testimony to the  
House Committee on Federal and State Affairs  
House Bill 2025  
Mik Shanks, President Kansas State Lodge Fraternal Order of Police  
Testifying in Opposition  
February 4, 2021

Chairman Barker and Members of the Committee,

My name is Mik Shanks and I am the President of the Kansas State Lodge of the Fraternal Order of Police. On behalf of the 3,900 members of the largest fraternal police organization in Kansas thank you for allowing my written testimony to be entered into the record in opposition to House Bill 2025.

HB 2025 would prohibit a Kansas Department of Wildlife, Parks and Tourism law enforcement officer or a county weed supervisor to conduct surveillance on private property unless authorized by a warrant. The bill prohibits any Kansas law enforcement agency to enter into an agreement with an owner of a utility pole to install a tracking device in order to conduct surveillance on private property unless authorized by a warrant.

Among our concerns about House Bill 2025:

- The bill addresses obtaining a search warrant for tracking devices that are attached to utility poles. Established case law and KSA 22-2502 already require that a search warrant must be obtained for a tracking device.
- The proposed legislation lacks clarity about the meaning of “conducting surveillance on private property”.
- The proposed legislation implies surveillance could not be conducted from private property or onto private property without a warrant. This suggests that a law enforcement officer could not maintain surveillance from a parked car on a public street, observing bad behavior, without a search warrant.
- The entire premise of the bill is in opposition to established case law. The United States Supreme Court has upheld the exception to the 4<sup>th</sup> Amendment in that a law enforcement officer may make a search and seizure without obtaining a warrant if evidence of criminal activity or the product of a crime can be seen by lawful observation without entry or search, otherwise commonly known as the Plain View Doctrine.
- Finally, the passage of this bill would create differing standards for law enforcement agencies within the same jurisdictions. It would establish restrictive procedures for one department while other agencies operate by a different set of rules. In fact, this bill would create greater and more complex problems for agencies who work together as county sheriff’s offices and the Kansas Department of Wildlife, Parks and Tourism often do.

We stand opposed to the passage of House Bill 2025.

Sincerely,

Mik Shanks

Kansas State Lodge Fraternal Order of Police 477 N Seneca Wichita, KS 67203