

Opponent Testimony on Senate Bill 172

House Committee on Judiciary

Davis Hammet

Loud Light Civic Action

March 17, 2021

Chair Patton, Members of the Committee,

Is this a Justified Solution to a Defined Problem?

The legislature should consider carefully crafted solutions to clearly defined problems. Neither exists in this bill. There is no problem that has occurred in Kansas that this bill seeks to address. This bill just severely increases existing penalties if they are committed on a broadly defined new category called Critical Infrastructure Facility (CIF). Further, it bizarrely expands the definition of racketeering to a scope that is beyond my testimony today, but should be vetted.

Senate Debate

During the Senate debate on this bill, a Senator said it was written by the Revisor before being corrected that it was in fact written by the American Fuel and Petrochemicals Manufacturers. When asked about the justification a Senator said it was necessary to “send a message” and that anyone near any facility broadly defined as critical infrastructure in this bill was up to no good.

Lack of Nuance

A Senator proclaimed that any of the numerous possible unintentional consequences would not be an issue because police would be lenient; however, hope of leniency does not validate the realities of law. This bill turns petty crimes into severe crimes. Someone who spray paints a utility box could be charged with a level 7 felony for aggravated trespassing on a CIF and a level 6 felony for criminal damage to a CIF resulting in presumptive imprisonment.

Criminalizing Protests - Chilling Free Speech

Any peaceful protest committed on the property of CIF's in opposition to the CIF could be considered an intention to impede or inhibit a part of the CIF's operation. This means trespassing becomes an “aggravated” felony crime if the intention is to protest. This newly elevated crime of trespassing while protesting would send a message as a Senator said on the floor, but not a message against some theoretical terrorist. It would send a message to everyday Kansans that they may be charged with a felony crime if they express their free speech.

We all want to ensure the people of Kansas are safe and that their rights are protected. This bill does neither. I urge the committee to oppose SB 172. I'm happy to stand for any questions when appropriate. Thank you.

Davis Hammet