

OPPOSITION FOR SB172 – NEW PENALTIES FOR PROTESTS

Testimony of Melissa Stiehler, Kansas Citizen

Judiciary Committee – March 17th, 2021

Chairman Patton and Members of this Committee,

Thank you for the opportunity to present testimony today. My name is Melissa Stiehler and I'm a resident of Kansas. I work for a nonprofit where I aim to help our communities, I vote in every election and I would call myself a "good citizen." I also was once arrested for trespassing on what SB172 defines as critical infrastructure. I offer my testimony to oppose SB172 but also to share what the reality of passing this law would look like and the people it would harm.

Like many Kansans, I was raised in a working class household that sometimes struggled to make ends meet. On numerous occasions, we had one or more of our utilities shut off if my parents couldn't afford to pay the bills while waiting on their next paycheck. So I have personal experience and a real passion for the need to have affordable utilities and the difficulty to pay them even when you are working full time.

Years ago, a local energy company that has now been merged with Evergy requested a rate increase that would impact my community and make it harder for people like my family to keep their utilities on. I worked with members of my community to urge the energy company to withdraw the request to raise our rates and, if they refused, with our local government to reject their request.

With respect to the honorable American tradition of free speech, we spoke up. We wrote letters to the company, our elected officials, and local media. We engaged in peaceful protest by holding a rally outside of their facility. My job at that rally was to pass out fliers about our cause to those who walked by. A worker came out of the facility and called me over to ask what the rally was about. When I walked over to him to hand him a flier, I was arrested for trespassing. I didn't even know that I had crossed the invisible line from public to private property, but regardless, I was handcuffed and brought to jail. Luckily, I had a wonderful private attorney who was able to get the misdemeanor charge dropped, but let's look at what would have happened to me if SB172 would have been in place.

They could have said that my interacting with that worker was trespassing with the intent to "impede or inhibit" the facilities operation. Under SB172, that is a Level 7 felony, punishable by approximately 2 years in prison. I highly doubt that my private lawyer would have been able to get that charge dropped as easily, and I am confident that the many Kansans who require public defenders wouldn't have had the same attention to their case as I did. I would have lost my right to vote. I could have been sent to prison. It is very possible I wouldn't have the opportunities I've been given or the blessed life I live with a felony conviction on my record.

This is the reality of what SB172 will do. You have been told that this bill will help protect our critical infrastructure, but the truth is that it will over criminalize free speech and peaceful protesting. We have laws on our books right now that protect against the kinds of acts that you have been warned about. The laws we already have offer punishment that is more proportionate to the crime. This bill is broad, heavy-handed, and overreaching. I urge you to vote in opposition.

Thank you for your time and consideration. I am happy to stand for questions.