



# Kansas Sheriffs' Association

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## Testimony to the Senate Committee on Judiciary In Support of HCR 5022

March 10, 2022

Chair Warren and committee members,

The Kansas Sheriff's Association supports HCR 5022.

The resolution that we support asks for sections 2 and 5 of article 9 of the constitution of the state of Kansas to be amended. The new language would include that a sheriff shall be elected in each county for a term of four years.

There are many reasons why this resolution is very important to 104 counties that currently have elected sheriffs and to their constituents. Below I will lay out the reasons why this resolution should pass into law.

### GOAL:

1. To preserve the Office of Sheriff consistently throughout Kansas.
2. Allows the Office of Sheriff to be required by the constitution.
3. Assures appropriate ouster process for the Office of Sheriff.

### WHY IT IS IMPORTANT:

- A. Assures the citizens in every county of Kansas currently has an elected sheriff and will continue to have a law enforcement official in every county that will be selected by the electorate.
  1. This resolution confirms voter empowerment.
  2. This resolution assures voters can continue to directly hold sheriffs accountable.
  3. We do not believe voters want to strip themselves of the right to vote for sheriff like what has happened in the past and attempts to do so currently.
- B. Past and current attempts to change the Office of Sheriff.
  1. The Office of Sheriff was abolished in Riley County in 1974.
  2. Current Charter Commission in Johnson County is debating to eliminate the Office of Sheriff. Last year Sedgwick County asked for the Charter Commission statute to be revised to allow Sedgwick County to start looking at the possibility of eliminating elected positions.
  3. In recent years, attempts to eliminate the Office of Sheriff have occurred in Phillips, Shawnee, Bourbon and Reno counties. These attempts were not successful.
- C. Issues in current ouster process.
  1. Currently the local District Attorney, County Attorney or Attorney General initiates the civil ouster process. Conflicts have existed in the past on ouster proceedings conducted by a local elected attorney against a local elected sheriff. This would move the responsibility of the ouster procedure to the Attorney General's Office. Thus, conflicts of interest would be eliminated.
  2. Retains current ouster causes.

## **WHAT IT DOES:**

1. Preserves the office of sheriff for the 104 counties that currently have a sheriff.
2. Retains the current four (4) year election cycle for each of the 104 counties that currently elect a sheriff.
3. Amends Article 9 section 2 (county and township officers) and section 5 (removal of officers) of the Kansas Constitution.
4. Grandfathers in the current Riley County structure.

## **WHAT IT DOES NOT DO:**

1. Does not make the Office of Sheriff a State of Kansas office.
2. Does not change any of the duties of the sheriff, nor does it place those duties into the constitution.
3. Does not shift any liability to the state.
4. Does not change the legal process of ousters except who can file the action.

The Kansas Sheriff's Association strongly believes that sheriffs should be elected by the citizens they serve and not appointed by other elected officials or appointed by a governing board. The duties of sheriff are much different from the tasks and duties of a police chief.

Duties of sheriff by Kansas Statute include; keeping the peace, administering tax sales, overseeing jail operations, conducting warrant and civil process service and guarding of court rooms to just name a few. Police departments do not have these responsibilities statutorily. Therefore, citizens should have the right to vote for sheriff in all 104 counties that currently have elected sheriffs.

In closing, in preparing this resolution KSA has met with many interested parties on this topic including Kansas Peace Officers Association, Kansas Association of Chiefs of Police, Kansas County and District Attorney's Association, Kansas Association of Counties and Kansas Attorney General among others. We have incorporated many suggestions into the resolution before you. This is the most important endeavor that KSA has been involved in over the last several years. Too many agendas are eroding the Office of Sheriff and it is time to allow the Office of Sheriff to be protected in Article 9 of the constitution of the State of Kansas.

Sheriff Jeffrey T. Easter  
Legislative Chair for the Kansas Sheriffs' Association