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To: Hon. Kellie Warren, Chair, Senate Judiciary Committee  
From: Brandon L. Jones, Franklin County Attorney  
Date: March 8, 2023

Re: Testimony in Support of HB 2350

Hon. Chairwoman Warren and members of the Senate Judiciary Committee:

Thank you for the opportunity to provide written testimony in support of HB 2350. My name is Brandon L. Jones, and I am the Franklin County Attorney. I have served in this role since November of 2018 and I have been a prosecutor in Kansas since May of 2000.

HB 2350 would criminalize the act of human smuggling, which is currently not against Kansas state law. Human smuggling is the transporting, harboring, or concealing of an individual into or within Kansas whom the offender knows, or should have known, is entering into or remaining in the United States illegally. Sadly, this conduct is starting to become more and more common in Kansas. In the past year, I had a case in which a high speed police chase started in Lyon County and ended in Franklin County. The driver of the fleeing vehicle rammed into at least two different patrol cars, causing significant damage, before barricading herself in commercial motor vehicle and attempting to take the driver hostage.

It turned out that the reason this person was fleeing from law enforcement, and ultimately endangered numerous lives, was because she was smuggling nine illegal immigrants into our country and through our state. While I was able to charge her with the fleeing and eluding, and numerous other charges for her reckless and dangerous behavior resulting in a lengthy prison sentence, I was surprised to find out that our trafficking statute, K.S.A. 21-5426, did not cover nor criminalize the human smuggling portion of her conduct. Our human trafficking statute only criminalizes human smuggling when being done to use the illegal alien for involuntary servitude, forced labor, or when doing other types of harm to the person being smuggled. Kansas currently does not criminalize the “coyote” who is being paid to bring or is voluntarily bringing illegal immigrants into our state of their own free will. I feel this is a gap in our criminal code that needs to be addressed.

HB 2350 would criminalize this type of conduct and allow us to punish those who illegally transport, harbor, or conceal illegal immigrants within our state. This is consistent with federal law and is sound public policy. Kansas should not be a safe haven for human smuggling and the passage of this bill would stop that from being the case.

I am sorry that I cannot be present to present oral testimony on this important bill today, but I had a previously scheduled family vacation in Colorado. Thank you, however, for the opportunity to provide written testimony in support of HB 2350. I respectfully request that the committee report HB 2350 favorably for passage. I am available for questions if any members would like to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "Brandon L. Jones". The signature is written in black ink and is positioned above the typed name.

Franklin County Attorney