Testimony of James R. Carlson
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Testimony in Support of SB 463
Prevention of Certain Persons from Recovering Damages
in
Civil Actions, and Statutory Requirements for Actions involving Negligent Security

Thank you Madam Chairman, and Members of the House Judiciary Committee.

I am appearing before this Committee today in my capacity as the *Managing Partner of Stillwater Technical Solutions* (STS). Stillwater is a Kansas based policy research and advocacy firm established in 2011.

Stillwater educates and equips local and state elected officials for engagement with Federal agencies on administrative rulemakings and policy actions at state and the local level.

I am supporting SB 463 from the perspective of both a Kansas landholder and longstanding business owner.

SB 463 makes it difficult for those engaged in criminal activity to sue an established business or private-property owner for injuries that arise during illegal activities. For example, if a burglar is injured by shards of glass resulting from a home intrusion, they cannot later claim negligence against the homeowner for not alerting them as to the danger of sliding glass doors.

SB 463 also affords common sense statutory protection to home and business owners from invitees that may be injured from a third-party criminal conduct, provided the owners had no knowledge of a risk and took reasonable precautions.

What I really like about SB 463 is that the Bill specifically calls out what the minimum the presumptive obligations are that constitute an exercise of "*reasonable care*" by an owner or occupier.

As a seasoned policy professional, I would also like to draw this committee's attention to a deeper problem where activists and trial lawyers are using sue-and-settle and precedent litigation as a pathway to achieve policy goals.

SB 463 addresses the problem of courts making law by providing legislative siderails, policy checks, and statutory balance. For these reasons I urge the Judiciary Committee to consider adopting this useful and protective legislation.

Thank you and I am happy to stand for questions.