House Committee On Judiciary
Representative Susan Humphries, Chair
Kansas State Capitol - 300 SW 10th St. - Topeka, Kansas 6661

Written Testimony of

**Brunn ("Beau") Roysden, Fusion Law, PLLC, for**
**Alliance for Consumers Action Fund**
**Before the Kansas House Committee on Judiciary**

**In Support of SB 463**

Tuesday, March 10, 2026

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Crime is an important consumer protection issue, although that is not said often enough by enough people. To live a full life, consumers need to have stores open with goods on the shelves and they need to be able to get to the stores, shop, and get back home safely without worrying about being robbed or having their goods taken.

When consumers cannot get what their family needs, when packages are stolen from front porches without consequence, and when the streets of our cities are not safe, it is a consumer protection issue that calls for action.

Sadly, crime has become a policy tool that is seemingly favored by many left-wing activists and their allies, with criminals and wrongdoers too often receiving prioritization at the expense of crime victims and those whose lives are disrupted and made worse by crime. It is also true that courtrooms across America have become a primary canvas for policy fights.

Senate Bill 463, which is before the Committee today, is a response to these realities. It is a step toward preventing activists, or anyone else, from turning crime into a profit center or a tool to punish those who choose to hold the line and push back against criminals.

Senate Bill 463 takes important steps to address this problem, and apply some everyday common sense, by ensuring that wrongful or illegal conduct cannot serve as the basis for suing a person under negligence at their home or business or other property.

The bill reflects a simple principle: a person engaged in a criminal or wrongful conduct cannot sue for injuries arising from that same conduct. For example, if a burglar is injured during a break-in, they cannot later claim negligence against the homeowner or shopkeeper. The same would apply to a would-be "porch pirate" trying to sneak packages off your stoop.

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## What Senate Bill 463 Does, And Does Well

Senate Bill 463 is the type of law that aligns our legal system with what citizens think is logical and fair and what many surely think is already the law: a criminal cannot sue in negligence if their lawsuit is over harm they suffered related to their wrongful activity.

The bill's text is remarkably clear: "Notwithstanding any other provision of law, a person who engaged or participated in wrongful conduct or attempted to engage or participate in wrongful conduct shall not bring an action for negligence or collect damages for negligent conduct related to such wrongful conduct."

The last thing we want is a porch pirate who slips on an icy stoop, or a person stealing from a small business who is hurt while making a getaway, to be able to turn around and try and sue.

The bill also ensures that property owners are not automatically responsible for crimes committed by others that are unexpected and outside the direct knowledge or control of the property owner

The intended beneficiaries are homeowners and small businesses, the ones who don't have lawyers on retainer and for whom our comparative negligence system functionally means a long and expensive road to winning with a valid defense under comparative negligence standards.

## What Senate Bill 463 Preserves

Senate Bill 463 is not a dramatic rewrite of Kansas law – it leaves the Kansas modified comparative negligence regime except where someone has committed a serious crime or engaged in equivalent wrongful conduct.

The bill is targeted – it does not allow mere technical violations of state law or local regulations to trigger its specific limitations on negligence claims – and the burden is still on the defendant.

And the bill safeguards victims' rights by preserving access to full criminal restitution and putting the burden on the defendant to establish that a person was engaging or participating in wrongful conduct.

Moreover, the bill leaves in place the existing duties and negligent security regime for all instances where the property owner knew about similar conduct happening in the past year and did not take adequate steps to address the situation (e.g., hiring a security guard).

## Conclusion

Senate Bill 463 tracks common sense and protects homeowners and shopkeepers as opposed to criminals and wrongdoers, all without a dramatic rewrite of Kansas law.

Put simply, Senate Bill 463 reinforces a system where Kansas courts reward responsibility and protect victims, not those who break the law. The bill provides clear rules for dividing responsibility among all who contributed to a harm, including criminals and negligent parties, so that outcomes reflect true accountability. And it helps stop crime from being an avenue for the left to push other ideological priorities.

Thank you for your time and consideration. I welcome your questions and would be pleased to discuss these issues further during or after today's hearing.