Senate Committee On Judiciary
Senator Kellie Warren, Chair
Kansas State Capitol - 300 SW 10th St. - Topeka, Kansas 6661

Written Testimony of

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Before the Kansas Senate Committee on Judiciary

In Support of SB 463

Tuesday, February 10, 2026

Chair Warren and members of the Committee, I submit this written testimony as to Senate Bill 463, which is before the Committee today.

By way of background, I am a consumer advocate who has spent a decade fighting to hold corporate wrongdoers accountable under state and federal consumer protection statutes while working to preserve and protect consumer choice, which has become especially important in the face of a growing effort by activists and public officials to use litigation and regulation to control what consumers can buy and companies can sell to meet the needs of American families.

I founded Alliance For Consumers after leaving the Arizona Attorney General's Office, which I joined in 2016 as a Senior Litigation Counsel within Consumer Protection and where I worked on consumer cases in state and federal court against companies small and large, even as I took on responsibility for the Office's practice before the Supreme Court of the United States as Arizona Solicitor General.

As a consumer advocate, I spend my time encouraging more aggressive attorney general consumer protection efforts, prioritization of consumer restitution in both public and private consumer protection matters (putting more money into the pockets of more consumers), and against limiting choices for consumers through the use of government rules and regulations, especially efforts to ban products like common cars, dishwashers, freezers, and stoves from store shelves (a topic that rose to national prominence during the Biden Administration).

To live a full life, American consumers need to be able to have stores open that can provide goods that fit the needs of their families, 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.

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The Importance of Passing Senate Bill 463

We are in the midst of an unprecedented campaign of lawfare by left-wing activists in courts across this country. From the wave of lawsuits against the President and his Administration in Washington, to the ongoing campaign by trial lawyers and left-wing activists to use state court lawsuits as a vehicle to push their ideology onto state and local governments, the private sector, and consumers, courtrooms across America have become a primary canvas for the Left's ongoing campaign to reshape American society.

Sadly, crime has become a policy tool that is seemingly favored by left-wing activists and their allies, with criminals and wrongdoers receiving prioritization in many respects at the expense of crime victims and those whose lives are disrupted and made worse by the increasing crime in many left-wing jurisdictions.

Make no mistake, crime is an important consumer protection issue.

In jurisdictions that have truly lost the thread with respect to crime—San Francisco, for example—consumers are facing the devastating reality of being unable to find stores that stock the products they need for the family, whether that is medicine, baby formula, or other common household items. 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 for people to shop for what they need, it is a consumer protection issue that calls for action.

Senate Bill 463, which is before the Committee today, 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. The same would apply to a would-be "porch pirate" trying to sneak packages off your stoop.

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."

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.

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.

Conclusion

Ideological lawfare threatens democracy, the separation of powers, and the everyday Kansas consumer and their family. Along the way consumers have fewer choices on store shelves and less say in their daily lives.

Senate Bill 463 offers a principled and practical solution. By enacting Senate Bill 463, Kansas can make clear that public policy is decided by laws, not lawsuits, and that consumers should be prioritized, not criminals and wrongdoers.

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.

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