Legislative Testimony

In **Opposition** to Senate Bill 463
Senate Committee on Judiciary
February 10, 2026

Written-Only Testimony

Chair Warren and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the ACLU of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I am writing in opposition to Senate Bill 463, which undermines basic principles of fairness, due process, and equal protection under the law. Two provisions, in particular, are deeply concerning: the denial of full compensation to undocumented immigrants and the punishment of individuals based on alleged wrongdoing without any criminal conviction.

Denial of Full Compensation to Undocumented Immigrants

SB 463 would block undocumented immigrants from receiving full compensation in automobile accident cases, even when they are not at fault. Under this bill, someone who is injured through another person's negligence could be denied compensation for lost wages, pain and suffering, and other essential damages simply because of their immigration status.

This provision creates a two-tiered justice system in Kansas—one where some people are fully protected by the law and others are not—telling certain victims that their lives, their labor, and their suffering are worth less under our legal system. Kansas courts have long recognized that civil justice is meant to make injured people whole, regardless of who they are (*Miller v. Johnson,* 2012). SB 463 abandons that principle. It does not improve public safety, prevent accidents, or reduce wrongdoing. Instead, it punishes people after they have already been harmed and encourages negligent drivers and insurance companies to escape full accountability.

Additionally, this bill subjects people of color to discrimination without explaining any qualifying factors for such an inquiry and places the additional burden of proving their citizenship status squarely on their shoulders.

Punishment of Individuals Based on Alleged Wrongdoing

SB 463 penalizes people for alleged wrongdoing even when there has been no arrest, no charges, and no conviction. Under this bill, a person could be barred from recovering damages simply because a defendant claims they were engaged in "wrongful conduct." That conduct does not have to result in a conviction, formal charges, or any finding by a criminal court. This is deeply

troubling, as our legal system is built on the presumption of innocence. We do not strip people of their rights based on unproven accusations.

This bill invites courts and juries to conduct mini criminal trials inside civil cases, without the safeguards that exist in criminal court. There is no requirement of proof beyond a reasonable doubt, no right to appoint counsel, and no guarantee of due process. Instead, people may lose their right to seek justice based on speculation and allegations. This provision will disproportionately harm low-income Kansans, people of color, and those who are already marginalized, all of whom are more likely to be accused, questioned, or scrutinized, even when they have done nothing wrong.

Conclusion

Together, these provisions shift our civil justice system away from accountability and toward exclusion. They protect powerful actors while weakening protections for the most vulnerable Kansans. They tell victims that their right to justice depends on their immigration status or on whether someone can accuse them of wrongdoing. Kansas should stand for fairness, equal treatment, and the rule of law. We should ensure that when someone is injured through no fault of their own, they have a meaningful opportunity to be heard and made whole. For these reasons, on behalf of the ACLU of Kansas, I respectfully urge the members of this Committee to oppose SB 463.

Logan DeMond
Director of Policy and Research

References

Miller v. Johnson, 295 Kan. 636, 289 P.3d 1098 (Kan. 2012).