

Legislative Testimony

In Opposition to SB190
Senate Committee on Judiciary
January 17th, 2024

| WRITTEN ONLY |

Chair Warren and Members of the Committee:

Thank you for the opportunity to provide testimony on SB190. On behalf of the ACLU of Kansas, I write to express our opposition to SB190. The ACLU of Kansas is a nonpartisan, non-profit organization with more than 35,000 supporters across Kansas that works to preserve and strengthen the civil rights and liberties of every person in our state.

The ACLU of Kansas has several concerns about SB190. First and foremost, we oppose this bill because it significantly limits the ability of magistrates to make individualized decisions concerning conditions of release. The essence of a fair and just legal system lies in its capacity to consider each case on its own merits. SB190 undermines this principle by imposing requirements that fail to account for the unique circumstances surrounding each individual charged with a crime.

Second, we are deeply concerned about the inclusion of mandatory waivers of process rights in this bill. The proposed requirement for individuals charged with a felony to waive their right to extradition proceedings is deeply troubling. Extradition proceedings are a fundamental process designed to ensure the protection of a person's legal rights, particularly when they are apprehended in another state. Mandating the waiver of this procedure raises significant constitutional and ethical questions. It undermines the principle that individuals should not be compelled to surrender their rights, especially in the absence of a conviction.

Furthermore, the bill's provisions that deny individuals opportunities for pre-trial release are troubling. The ability to secure pre-trial release is essential for ensuring that individuals are not subject to unnecessary and prolonged periods of incarceration. While we acknowledge the need for public safety, we question the necessity of mandates that restrict pre-trial release, especially when considering the challenges of enforcing such mandates across state lines.

In conclusion, we firmly believe that SB190 poses a threat to individual rights and the principles that underpin our legal system. We implore you to reject the provisions of SB190 and work towards a more equitable and balanced approach to criminal justice reform.

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