



Kansas Sheriffs' Association

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Testimony to House Judiciary Committee Supportive Testimony on HB 2155

February 5, 2025

Chairwoman Humphries and Committee Members,

Currently in Kansas Statute under 19-805 (a) contains the following text.

19-805. Deputies and undersheriffs; duties; meetings and seminars; budget; limitation of personnel action. (a) In addition to the undersheriff, the sheriff also may appoint, promote, demote and dismiss additional deputies and assistants necessary to carry out the duties of the office, *for whose official acts* the sheriff is responsible. Persons may also be deputized by such sheriff or undersheriff, in writing, to do particular acts. The sheriff and sureties of the sheriff shall be responsible, on the official bond of the sheriff, for the default or misconduct of the undersheriff and deputies.

Currently in Kansas Statute 19-811 contains the following text.

19-811. The sheriff shall have the charge and custody of the jail and his county, and all prisoners in the same, and **shall keep such jail himself, or by his deputy or jailer, for whose acts he and his sureties shall be liable.**

In current statute 19-805 and 19-811 are conflicting. KSA believes in 19-811 that statute should read the same as 19-805 and the term; “official acts” should be inserted into 19-811 so we no longer have confusion in the statute. The amendment change is also intended to clarify the sheriff and his or her sureties is liable only for the official acts of deputies or jailers as reflected in K.S.A. 19-805 which was enacted in 1868 contemporaneously with K.S.A. 19-811.

There are also 3 Kansas Supreme Court cases that also address this issue. *Hitsman v. Kennedy* (1933), *Libby v. Schmidt* (1956) and *Monroe v. Darr* (1977). Each of these cases clarified that sheriffs and their appointees are responsible for the **official acts** of their deputies. However, they were not responsible for acts that are not official by their deputies. This would include criminal acts committed by deputies.

It is KSA belief that the requested change to KSA 19-811 will be aligned with current case law and clear up any misunderstanding between the two current statutes.

KSA supports the proposed language in HB 2155.

Thank you for your consideration.

Sheriff Jeff Easter, Sedgwick County
Legislative Committee Chair