



Kansas County & District Attorneys Association
1200 SW 10th Ave.
Topeka, Kansas 66604

To: Chairwoman Warren and the Members of the Senate Committee on Judiciary

From: Missi Schoen on behalf of the KCDA

RE: Proponent Testimony for SB155

Honorable Chairwoman Warren and Members of the Senate Committee on Judiciary,
Thank you for the opportunity to offer proponent testimony in support of Senate Bill
155 on behalf of the KCDA.

The proposed changes in SB 155 will make it a crime when a person is knowingly
harboring concealing or aiding any person who is "alleged to have violated the terms
and conditions of probation, assignment to a community correctional services
program, parole or post release supervision conditional release or a suspended
sentence."

Currently it is only a crime to knowingly harbor, conceal, or aid any person who has

committed a crime or been charged with committing a crime. Our Court of Appeals in State v. Jenkins defined the crime of obstruction as “basically helping someone who has already committed a crime to evade capture.”

We do not have a crime of obstruction when someone evades arrest for a warrant for violating probation or parole after having been convicted of a crime, or another person helps that defendant evade capture.

There is an ever-present concern for officer safety when an individual obstructs apprehension or prosecution. And, not only is it an issue of officer safety when someone hides from law enforcement, eludes law enforcement or tries to evade arrest, it is a safety issue to others when they help someone avoid arrest.

When an individual is on probation or post release, they have been found guilty of and been sentenced for a crime. In this situation, the individual’s sentence was suspended and they were placed on probation, or they served their sentence at DOC and were released early. It is highly likely that a defendant knows they have an active warrant for allegedly violating their probation or parole. They should be treated the same as an individual who has committed a crime or been charged with committing a crime when they are being arrested.

More importantly than creating a new crime, SB 155 holds defendants accountable for

their actions especially when they were granted probation over jail or prison, or when they were released early from prison for earned good time.

I learned last fall that it wasn't a crime to conceal an individual with an active DOC Warrant from law enforcement. Law enforcement officers were dispatched to a home for a possible domestic between a woman and her boyfriend. The woman's daughter had called her dad telling him that her mom and boyfriend were fighting again. Officers knew the home and that the boyfriend had an active DOC warrant for violating his post release. He was on post release after serving a DOC sentence for convictions of aggravated assault with a weapon and aggravated intimidation of a witness or victim.

The officers arrived at the house and talked with the daughter and mother separately. The daughter confirmed that Mr. King was still in the house, but she did not know where. The mother swore up and down that he was not there. She did allow the officers to enter her home, where they found Mr. King hiding in the back porch area off the kitchen.

Officers did not have probable cause to arrest Mr. King for domestic violence. They only had the warrant for post release violations with which to arrest Mr. King. NO new crime had been committed, and there was not a violation of K.S.A 21-5913 by Mr. King nor the mother who was not cooperative with law enforcement. A few days later, the

mother called law enforcement to report she had found a handgun in a laundry basket located in the back porch right where Mr. King was hiding from officers.

I would assert that a defendant is most likely going to know if they have a warrant for violating probation or post release. A defendant on post release only needs view their inmate page on the Kansas DOC Repository or KASPER website to know if a DOC warrant has been issued. Defendants on felony or misdemeanor probation may also be able to determine if they have a warrant through Odessey.

This change will ensure the safety of officers and promote justice. Thank you for your time and attention in consideration of Senate Bill 155.

Missi Schoen

Kansas County and District Attorneys Association

Norton County Attorney