



**Testimony in Support of House Bill 2177
Senate Committee on Judiciary**

Lieutenant Roy Wise
Kansas Highway Patrol

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The Kansas Highway Patrol (KHP) appreciates the opportunity to provide written testimony supporting House Bill (HB) 2177, and we respectfully request that the Committee consider our agency's concurrence.

HB 2177 establishes increased penalties for certain violations of fleeing or attempting to elude a police officer when the violator has prior convictions for the same offense. When a person commits a simple act of fleeing or attempting to elude a police officer, KSA 8-1568 provides multiple penalties that increase in severity with each subsequent conviction. For a first conviction, the offense is a class B misdemeanor. Two or more prior convictions escalate the offense to a severity level 9, person felony.

No such increasingly punitive penalty system exists for more serious violations of fleeing or attempting to elude a police officer that include circumstances such as a stolen vehicle or involvement in a crash. Should a person violate this aggravated form of fleeing or attempting to elude, current law applies the one penalty regardless of the number of convictions for the same offense. For example, when a driver fleeing from the police is involved in a crash, the driver would be guilty of a severity level 9, person felony. If they committed the same act again, their previous conviction would not be considered, and the offense would remain a severity level 9, person felony. HB 2177 introduces progressively severe punitive measures when a violator has previously committed an aggravated form of fleeing or attempting to elude offense.

Pursuits, while necessary to apprehend criminals and deter further crime, threaten the safety of the violator fleeing from law enforcement, the police officer pursuing the violator, and the traveling public. The National Highway Traffic Safety Administration (NHTSA) found that 525 fatalities occurred in 2021 during police pursuits with criminals in the United States. The danger posed by the aggravated forms of fleeing or attempting to elude being targeted by the bill is even more life-threatening. Increased penalties for prior convictions stand to discourage violators from committing the same offense. If the consequences of a first conviction were insufficient, a criminal may choose to violate the law once more if they understand their actions will only be met with the same penalty. For this reason, most other criminal offenses have increasingly severe consequences for multiple convictions.

The KHP supports HB 2177 because it would ensure that those who choose to continually violate the law and jeopardize motorists' lives by fleeing or attempting to elude the police will be disincentivized to recidivate, thereby increasing traffic safety. We sincerely thank the members of this Committee for considering our testimony and urge your support of this bill.

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