



## Kansas Bureau of Investigation

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**House Corrections and Juvenile Justice Committee**  
Testimony of Kyle Smith, Deputy Director  
Kansas Bureau of Investigation  
**In Support of Substitute SB 159**  
January 30, 2012

Chairman Colloton and Members of the Committee,

I appear today on behalf of the Kansas Bureau of Investigation in support of SB 159. This legislation provides enhanced supervision of probationers and parolees – people who have already demonstrated a propensity to commit crimes.

Recidivists, criminals who reoffend, are a problem. Not just for the victims of new crimes, nor for our overcrowded prison system, nor even the officers that have to deal with the new crimes, but also for the criminals that fail to make a new start. It is in all our best interest to support reintegration programs and encourage probationers and parolees to succeed. Having said that, if they are violating the terms of their release by carrying guns or selling drugs, it is also in our best interest to discover their unwillingness to change and prevent more crimes. SB 159 assists in this by empowering law enforcement officers to conduct searches of these criminals to ensure their compliance to the terms of their release.

The constitution allows such searches if they are conducted according to the rules as set out by the courts. Essentially parolees are still in the custody of the state and have the same rights as any other prisoner. As such, if there is statutory authority, law enforcement officers can search their person and effects at any time, just as a prison guard or jailor can on inmate's person and effects. Probationers are under supervision but are not considered in custody, and so have a higher expectation of privacy and searches can only be conducted if there is 'reasonable suspicion' that they have violated conditions of probation or are otherwise in possession of contraband. However, the courts in Kansas have ruled widely on such searches, due to the lack of statutory clarification. SB 159 provides that clear guidance and authority to provide reasonable supervision of these convicted criminals.

We would support passage of Substitute SB 159 to clarify this area of law and empower officers to better protect the public.

Thank you for your attention and efforts and I would be happy to answer any questions.

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