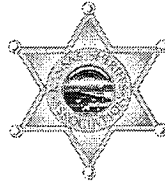




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**Testimony to the House Corrections and Juvenile Justice Committee
In Support of HB2494
February 6, 2012**

Chairperson Colloton and Committee Members,

The Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association support the extension of the statute of limitations as provided in HB2494. We were first asked to support extending the statute of limitations for child sex victims about a year ago by detectives in the Lawrence Police Department. Over the past year we have explored the extent of this problem and why it existed in light of the provisions of KSA 21-5107 subsection (e)(6). While researching the issue we started hearing from other agencies across the state they were also experiencing the same problems.

The answer to why KSA 21-5107 subsection (e)(6) often fails to extend the statute of limitations of these child victims can be found in how courts are ruling in the interpretation of subsection (e)(6)(C), the provision stating, "the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused". An example is the unpublished Court of Appeals ruling in Kansas vs. Hinchsliff filed in September 2011. In this case the victim, who was under the age of 15 at the time of the crimes in question, testified she was fearful of the suspect. However, the Court of Appeals cited prior Kansas Supreme Court rulings that the parent/guardian "efforts must be deliberately calculated to achieve the child's silence about the wrongdoing." The Court of Appeals concluded, ". . .we conclude that Hinchsliff's generally overbearing and even arguably threatening behavior directed toward [the victim] and her mother to be insufficient to support either of the exceptions to the statute of limitations. . ." So it appears to take more than being threatening or mentally intimidating a child to not report the crime for this provision to be applicable.

We do not believe that was the legislative intent when these amendments were made to what is now KSA 21-5107. The proposed fix to this problem is, in our opinion, a reasonable balance between the protection of these child victims and the rights of the accused. The proposed limit is actually less than the extension of statute of limitations existing if two of the four conditions in KSA 21-5107 subsection (e)(6). Under current law, if those conditions are met the statute of limitation is extended to the victims 28th birthday. In the proposed addition, if the victim of a violently sexual crime is under age 18 at the time of the crime, the statute of limitations will toll at the victim's 23rd birthday.

The 2012 Legislative Agenda of our associations includes supporting the provisions of this bill. This is clearly a statewide problem needing the legislature to make a policy decision that will protect these child victims and hold their attackers ultimately accountable in our courts.

We encourage you to recommend this bill favorably for passage.

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House Corrections and Juvenile Justice
Committee
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Date 2-6-12 4-1
Attachment #