



29TH JUDICIAL DISTRICT OF KANSAS

March 14, 2022

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs

Hearing Date: March 15, 2022

**TESTIMONY OF WYANDOTTE COUNTY DISTRICT ATTORNEY MARK A.
DUPREE, SR. REGARDING HOUSE BILL 2717**

Chairman Barker, Vice-Chair Tory Arnberger, Ranking Member Representative Louis Ruiz,
Members of the Committee and staff:

I am the duly elected and serving Wyandotte County District Attorney and have been since 2017. Prior to this position, I worked in private practice in a firm with my wife, Shanelle Dupree. My primary practice area was criminal defense, so I have extensive criminal practice. Most of my work has been in the Kansas City Metropolitan area, and a significant portion has been on the Kansas side. Thank you for the opportunity to speak on House Bill 2717.

“Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me, I lift my lamp beside the golden door!” Emma Lazarus’s words reflect the greatness of our society – our humanity – which should be allowed to continue by protecting undocumented individuals. The protection of undocumented individuals is not a political issue, it’s a human rights issue that should continue without overreaching.

The constitutionality of House Bill 2712 is questionable. The Tenth Amendment to the United States Constitution establishes the separation between the federal and state powers. Local governments, like the Unified Government of Kansas City and Wyandotte County, are free to pass lawful ordinances that are within their jurisdiction.

The ordinance passed by the Unified Government of Kansas City and Wyandotte County does not violate federal law. Federal law only requires the sharing and maintaining of information related to individuals’ immigration statuses. Federal law does not establish an affirmative duty to gather this information. Additionally, federal law also does not require the Unified Government of Kansas City and Wyandotte County to use its resources to enforce immigration laws. Law enforcement or county or district attorneys cannot be compelled to take such action if they choose to decline enforcement.

House Bill 2717 is counterproductive because it erodes the relationship between undocumented individuals and law enforcement. Without this trust, undocumented individuals are more likely to suffer victimization and less likely to request assistance. Additionally, this bill would divert scarce law enforcement resources from addressing crimes to investigating non-criminal-related matters.

There are numerous reasons we need identification (ID), for instance, opening a bank account, filling out a job application, signing a rental agreement, and boarding commercial flights, to name a few. What if you need to identify yourself? Every adult who lives in Kansas should be able to get an ID so they can live their life. Wyandotte County passed the Safe and Welcoming Wyandotte Act intending to help all people in our county get IDs to live productive, stable lives. Wyandotte County Assistant District Attorneys routinely encounter probation revocation because the probationer has failed to pay their costs and fees. The problem for the probationer is the Social Security Administration's delay in providing their social security card, which is needed to be issued IDs. These individuals need their IDs to pay costs and fees. Because of this delay, they cannot get state-issued IDs, which prevents them from getting jobs or receiving services in Wyandotte County. House Bill 2717 would take away this avenue, not just for undocumented individuals, but this would continue to hurt victims of crime who are owed restitution.

According to an article in the Kansas Reflector, both the Wyandotte County Sheriff and Kansas City Kansas Police Chief said it's not their standard practice to take part in ICE raids.¹ As the duly elected Wyandotte County District Attorney, I enforce the laws of the county as I have been elected to do so. We take swift action against all individuals who violate the law, whether documented or not. When an individual does not violate the laws of the State of Kansas, then there is no action for my office to take.

We deal with many crimes here in Wyandotte County, from homicide to narcotics distribution to sexual assaults. No matter who commits those crimes—documented or undocumented—our office does its best to prosecute and pursue justice. Our office is not required to act concerning an undocumented person who has had no law enforcement contact and positively contributes to our society.

In conclusion, HB 2717 would make life harder for thousands of Kansans strive to be productive members of our communities. Therefore, I oppose HB 2717, and I hope you vote against it.

Sincerely submitted,

/s/ Mark A. Dupree, Sr.
Mark A. Dupree, Sr.

¹Tim Carpenter, *Wyandotte County adopts ordinance to improve services, care of undocumented immigrants - Kansas Reflector*,” Kansas Reflector (Feb. 11, 2022 , 5:18 PM), [Wyandotte County adopts ordinance to improve services, care of undocumented immigrants - Kansas Reflector](#)