

Legislative Testimony

In Support of Senate Bill 373
Senate Committee on Judiciary
January 29, 2026

In-Person Testimony

Madam Chair and Members of the Committee,

My name is Logan DeMond, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas is a nonprofit, nonpartisan organization with more than 35,000 supporters statewide that works to protect and strengthen the civil rights and liberties of all Kansans. On behalf of the ACLU of Kansas, I am writing to express our support for Senate Bill 373. This bill is a needed response to House Bill 2109, which posed a significant threat to civil liberties and Fourth Amendment rights in Kansas, and can be improved further by amending this bill in committee.

Concerns with HB 2109

Even if erected on public utility poles, a camera's range can directly or indirectly surveil private property. When law enforcement officers can erect cameras and initiate warrantless surveillance at their own discretion, innocent bystanders' sensitive information risks being exposed, especially among those with the fewest resources to protect themselves. Additionally, people have a reasonable expectation of privacy in their home, especially regarding whom they are associating with. Long term surveillance of one's home violates Fourth Amendment rights to be free from unreasonable searches. And even in the case of law enforcement targeting a specific individual, that individual's activities and associations can be surveilled and collected without a warrant under this law. Ensuring a warrant is in place provides an additional layer of protection from unjust, warrantless, state-sanctioned surveillance.

Suggestions

While we appreciate the added requirement of lawfully issued warrants, court orders, and subpoenas, we believe the exception for poles in public areas or parks should only apply if the areas being monitored are also public. Private businesses, organizations, and other entities should not be subjected to unknown surveillance, and neither should the individuals entering or exiting those properties. In public spaces, where there is no reasonable expectation of privacy, we recognize the need for public safety. Amending this bill in committee would address these concerns.

Conclusion

Legislative Testimony

In Support of Senate Bill 373
Senate Committee on Judiciary
January 29, 2026

This bill, which leaves room for improvement, is a step in the right direction. By adding the suggested amendment and passing this bill out of committee, this committee would better satisfy the concerns of the ACLU of Kansas, civil liberties violations, and concerns regarding the Fourth Amendment.

Logan DeMond
Director of Policy and Research