

Public Comment

In **Opposition** to City Ordinance No. 8293, Sec. 3.5.1
Leavenworth City Commission Meeting
September 22, 2026

Public Comment

Mayor Bauder and Members of the Commission,

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 stand in opposition to the proposed city ordinance, No. 8239, Sec. 3.5.1**, which unnecessarily incorporates problematic state law into the city's code.

The ACLU of Kansas opposed this legislation during the 2026 legislative session, which included the harmful provisions that create a vague 25-foot "HALO" buffer zone around law enforcement and first responders that threatens constitutional rights while doing little to improve public safety. We oppose its incorporation into Leavenworth's code for those same reasons today. Because of the vague nature and subjective standards of "Halo laws," enforcement is made inconsistent and arbitrary. Additionally, this law brought about significant constitutional concerns, as it threatens lawful public observation and accountability of government officials operating in public spaces—activities protected by the First Amendment. But despite these objections, the Kansas Legislature passed this law, which was created specifically to target immigrants and facilitate ICE activity, and cities across Kansas have witnessed its weaponization first-hand.

State law already governs criminal offenses and supersedes municipal ordinances, rendering this additional ordinance unnecessary and burdensome. Creating a local version of the same offense does nothing in terms of local control, as state law grants local law enforcement the authority to enforce these provisions and municipal courts are bound by the same penalties. Doing so only layers additional penalties and unconstitutional enforcement mechanisms without any meaningful benefit to public safety, all while exposing the City of Leavenworth to costly litigation. As a result, residents are no safer and their tax dollars will be spent on attorneys' fees, not public safety.

Across the country, challenges to similar laws are playing out in the courtroom:

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ACLU
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- In Indiana, the Seventh Circuit affirmed an injunction blocking enforcement of a similar law, concluding the statute was unconstitutionally vague as it gave officers insufficiently defined discretion to determine when a person could be ordered to move back (*Reporters Comm. for Freedom of the Press v. Rokita*, 2025).
- In Louisiana, a similar law was enacted in 2024 and has been challenged by media organizations, who argue that it could interfere with newsgathering and public oversight of police activity. A federal district court found concerns regarding vagueness and First Amendment burdens and blocked enforcement of the law (*Deep S. Today v. Murrill*, 2025). The case was appealed to the Fifth Circuit, and a decision is pending (Justia, 2025) (Webster, 2026).
- In Arizona (American Civil Liberties Union, n.d.) and Florida (Associated Press, n.d.) courts and police departments have focused on whether similar laws address safety concerns or simply provide arbitrary discretion to restrict behavior protected by the First Amendment.

Leavenworth should not expand enforcement authority by adopting an unnecessary, duplicative, and arbitrary law that raises significant concerns regarding civil liberties, enforcement, and due process, and exposes the city to unnecessary legal risk. I respectfully ask the Commission to reject these proposed ordinances.

Logan DeMond

Director of Policy and Research

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References

Reps. Comm. for Freedom of the Press v. Todd Rokita Att'y Gen. of Ind., No. 1:23-cv-01805-JRS-MG, 2025 U.S. Dist. LEXIS 172833 (S.D. Ind. July 29, 2025).

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Justia. (2025). *Deep South Today v. Murrill*, No. 25-30128 (5th Cir.). Justia Dockets & Filings. <https://dockets.justia.com/docket/circuit-courts/ca5/25-30128>.

Webster, R. A. (2026, June 1). *Appeals court hears arguments on Louisiana's 25-foot buffer law*. Verite News. <https://veritenews.org/2026/06/01/louisiana-police-buffer-zone-lawsuit-hearing/>.

American Civil Liberties Union. (n.d.). *Arizona Broadcasters Association v. Brnovich*. <https://www.aclu.org/cases/arizona-broadcasters-association-v-brnovich>.

Associated Press. (n.d.). *Laws*. AP News. <https://apnews.com/article/laws-ac2bf65321f5c312ef3162fd53973eed>.