

Public Comment

In **Opposition** to City Ordinance No. 26-43, Sec. 9.08.035
Olathe City Council Meeting
August 18, 2026

Public Comment

Mayor Bacon and Members of the Council,

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, New Section Six – Sec. 9.08.035, 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 Olathe’s code for those same reasons today. Because of the vague nature and subjective standards of “Halo laws,” such as whether a first responder has an “increased level of concern” or is “distracted,” enforcement is made inconsistent and arbitrary. In addition to these concerns, 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, and in recent weeks, this very city 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 only layers additional penalties and enforcement mechanisms without any meaningful benefit to public safety while exposing the City of Olathe to costly litigation.

- 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

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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.

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

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