



TESTIMONY OF  
**VIGNESH GANAPATHY**  
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS

**IN OPPOSITION TO HB 2523**  
KANSAS HOUSE JUDICIARY COMMITTEE

FEBRUARY 7, 2018

Thank you, Chair Finch, and members of the Judiciary Committee for affording us the opportunity to provide testimony on HB 2523.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

**The ACLU of Kansas strongly opposes HB 2523.** While the ACLU strongly supports police accountability measures, this bill takes the wrong approach by continuing to punish candidates for county sheriff with a prior misdemeanor conviction after they have served their sentences. Specifically, the ACLU of Kansas opposes HB 2523 because:

- **Individuals should be judged on their merits, and not only on whether they made mistakes in the past.** Under current law, voters are free to consider prior misdemeanor convictions in their choice to elect a sheriff. But too often, strict qualifications and background checks are used to inappropriately blacklist individuals who are thereby prevented from recovering from past mistakes. When ex-offenders are able to work, earn income, pay taxes, and bring structure to their lives, communities are safer and stronger—this includes candidacy for public office. This bill furthers the stigma against people with prior convictions, creating a presumption that even after serving their sentence a candidate for sheriff would be unable or unfit to serve in law enforcement for a period of ten years. This is effectively a presumption of ongoing guilt that cannot be overcome. A past mistake should not de facto preclude an individual from running for county sheriff.
- **Disqualifying a candidate for sheriff simply because they have a drug possession misdemeanor is an extremely poor method of rooting out police corruption.** Greed and dishonesty cannot be measured by misdemeanor convictions, especially those for victimless crimes. Countless cases of police misconduct do not involve individuals with a criminal history. There is no compelling reason to believe that sheriffs who have been convicted of prior misdemeanors for gambling or drug possession offenses would necessarily be unable to uphold the law. That's why Colorado has passed a law granting waivers for police applicants with

criminal backgrounds.<sup>i</sup> And police departments across the country generally handle misdemeanor histories on a case-by-case basis. The type and number of misdemeanors is considered in conjunction with a candidate's qualifications. This bill unwisely paints with a broad brush, making a candidate completely ineligible for having a gambling, liquor, or narcotics-related conviction in the past 10 years, whereas a candidate with multiple convictions for misdemeanors not listed in the statute would be permitted to run. The ACLU of Kansas supports efforts to increase police accountability through body cams, stronger oversight, use-of-force guidelines and data collection, but HB 2523 is terribly misguided.

Therefore, we urge this committee to vote "No" on HB 2523.

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<sup>i</sup> Christopher N. Osher, *Colorado grants waivers to police applicants with criminal backgrounds*, The Denver Post (Jan. 22, 2016), <https://www.denverpost.com/2016/01/22/colorado-grants-waivers-to-police-applicants-with-criminal-backgrounds/>.