Session of 2025

HOUSE BILL No. 2131

By Committee on Corrections and Juvenile Justice

Requested by Representative Lewis

1-28

AN ACT concerning crimes, punishment and criminal procedure; relating to jailhouse witness testimony; requiring prosecutors to disclose their intent to introduce testimony from a jailhouse witness and to forward related information to the Kansas bureau of investigation.

WHEREAS, The provisions of this act shall be known as the Pete Coones memorial act.

Now, therefore:

Be it enacted by the Legislature of the State of Kansas:

Section 1. (a) (1) In any criminal prosecution, the prosecuting attorney shall disclose its intent to introduce testimony of a jailhouse witness regarding statements made by a suspect or defendant while such witness and suspect or defendant were both incarcerated within the time provided by K.S.A. 22-3212, and amendments thereto. The prosecuting attorney shall provide to the defense:

(A) The criminal history of the jailhouse witness, including any pending or dismissed criminal charges;

(B) the jailhouse witness's cooperation agreement and any benefit that has been requested by, provided to or will be provided in the future to the jailhouse witness;

(C) the contents of any statement allegedly given by the suspect or defendant to the jailhouse witness and the contents of any statement given by the jailhouse witness to law enforcement regarding the statements allegedly made by the suspect or defendant, including the time and place such statements were given;

(D) any information regarding the jailhouse witness recanting testimony or statements, including the time and place of the recantation, the nature of the recantation and the names of the people present at the recantation; and

(E) any information concerning other criminal cases in which the testimony of the jailhouse witness was introduced or was intended to be introduced by a prosecuting attorney regarding statements made by a suspect or defendant, including any cooperation agreement and any benefit that the jailhouse witness received in such case.

(2) The court may permit the prosecuting attorney to comply with the

provisions of this section after the time period provided in paragraph (1) if the court finds that the jailhouse witness was not known or the information described in paragraph (1) could not be discovered or obtained by the prosecuting attorney exercising due diligence within such time period.

(3) If the court finds that disclosing the information described in paragraph (1) is likely to cause bodily harm to the jailhouse witness, the court may:

(A) Order that such evidence be viewed only by the defense counsel and not by the defendant or others; and

(B) issue a protective order.

(b) (1) Each prosecuting attorney's office shall maintain a central record containing information regarding:

(A) Any case in which testimony by a jailhouse witness is introduced or is intended to be introduced by a prosecuting attorney regarding statements made by a suspect or defendant and the substance of such testimony; and

(B) any benefit that has been requested by, provided to or will be provided in the future to a jailhouse witness in connection with testimony provided by such witness.

(2) Each prosecuting attorney's office shall forward the information described in paragraph (1) to the Kansas bureau of investigation. The bureau shall maintain a statewide database containing the information forwarded pursuant to this section. Such database shall be accessible only to prosecuting attorneys and shall otherwise remain confidential and not subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provision regarding confidentiality shall expire on July 1, 2029, unless the legislature reviews and acts to continue such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

(c) If a jailhouse witness receives any benefit in connection with offering or providing testimony against a defendant, the prosecuting attorney shall notify any victim connected to the criminal prosecution.

(d) As used in this section:

(1) "Benefit" means any plea bargain, bail consideration, reduction or modification of sentence, or any other leniency, immunity, financial payment, reward or amelioration of current or future conditions of sentence that is requested, provided or will be provided in the future in connection with, or in exchange for, testimony of a jailhouse witness.

(2) "Jailhouse witness" means a person who provides testimony, or is intended to provide testimony during a criminal prosecution regarding statements made by a suspect or defendant while both the witness and the suspect or defendant were incarcerated, and who has requested, has been offered or may in the future receive a benefit in connection with such testimony. "Jailhouse witness" does not mean a person who is a

confidential informant, an accomplice or a co-defendant.

(e) This section shall be a part of and supplemental to the Kansas code of criminal procedure.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.