

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Lance Kinzer at 3:30 p.m. on February 8, 2011, in Room 346-S of the Capitol.

All members were present.

Representative Suellentrop
Representative Tietze
Representative Alford

Committee staff present:

Jill Wolters, Office of the Revisor of Statutes
Matt Sterling, Office of the Revisor of Statutes
Tamera Lawrence, Office of the Revisor of Statutes
Lauren Douglass, Kansas Legislative Research Department
Robert Allison-Gallimore, Kansas Legislative Research Department
Sue VonFeldt, Committee Assistant

Conferees appearing before the Committee:

Phillip Cosby, Executive Director, National Coalition for Protection of
Children and Families
Dr. Mary Ann Layden, University of Pennsylvania, Director, Center for Cognitive
Therapy (via telephone conference)
Representative Greg Smith, Twenty-Second District, Father of Kelsey Smith
Missy Smith, Wife of Representative Greg Smith and Mother of Kelsey Smith

Others attending:

See attached list.

Chairman Kinzer called the meeting to order at 4:00 p.m., after a thirty minute delay due to the House Chamber's extended session. He also announced the meeting would only last for about an hour because the House Chamber was going back in session at 5:00 p.m.

The Hearing on **HB 2042 - Requiring law enforcement to collect and report pornographic materials found at scene of or in possession of person who commits a sexually violent crime** was opened.

Jill Wolters, Staff Revisor, provided an overview of the bill for the committee. (Attachment 1)

Phillip Cosby, Executive Director for the Kansas City office, of the National Coalition for Protection of Children and Families, addressed the committee in support of the bill. He provided documentation and a CD to each of the committee members about how pornography contributes to the sexual exploitation of children. This bill would provide for the collection of data on a Kansas Standard Offense Report to quantify and connect the dots between pornographic materials and criminal behavior. (Attachment 2)

Dr. Mary Ann Layden, University of Pennsylvania, Director, Center for Cognitive Therapy, addressed the committee via telephone conference as well as providing written documentation of her testimony. She stated she had been doing psychological criminal work for more than ten years before she realized that she had not treated one case of sexual violence that did not include pornography. She provided each member a copy of a booklet called "*The Social Costs of Pornography*", prepared by herself and Mary Eberstadt, research Fellow of the Hoover Institution. She also included a research summary that includes a listing of twenty-nine findings showing the connection between pornography and crime. She ended her testimony stating "we need laws, we need enforcement, we need education, we need research and we need treatment to help stem the tide of this criminal and psychological catastrophe and a good first step would be to have police report the presence of pornography connected to crimes and urged the committee to pass this bill." (Attachment 3)

Judy Smith, State Director, Concerned Women for America of Kansas, provided written testimony in support of the bill. (Attachment 4)

CONTINUATION SHEET

Minutes of the House Judiciary Committee at 3:30 p.m. on February 8, 2011 in Room 346-S.

Ed Klumpp, Kansas Association of Chiefs of Police, Kansas Sheriffs Association, and Kansas Peace Officers Association, provided written testimony in opposition of the bill. (Attachment 5)

The hearing on **HB 2042** was closed.

The Hearing on **HB 2031 - Allowing the attorney general or the county or district attorney to request of the district court the convening of a grand jury to investigate alleged violations of serious felonies** was opened.

Jill Wolters, Staff Revisor, provided an overview of the bill for the committee. (Attachment 6)

Missey Smith addressed the committee in support of the bill. Missey is the wife of Representative Greg Smith, and mother of Kelsey Smith, a beautiful and vibrant young daughter, who was taken from a Target store in Overland Park, Kansas on June 2, 2007, and was brutally raped, sodomized and strangled to death by a complete stranger. She shared her first hand knowledge of how fortunate and grateful they were that there was already a grand jury seated in Johnson County by citizens via petition to investigate alleged crimes, therefore, Kelsey's case was handled through a grand jury. She truly believes convening a grand jury is a much more dignified and humane process for the victims and surviving family members. (Attachment 7)

Representative Greg Smith, Twenty-Second District, Overland Park, appeared before the committee in support of the bill. He is the father of Kelsey Smith, and stated he previously has addressed this committee describing the emotional toll of being the father of a murder victim, however, today, he is advocating for this bill as the sponsor of this legislation and in the capacity of being a twenty-year law enforcement veteran. He stated he has walked in these shoes and his experience has shown that this bill could do something that most legislation does not, which is to provide a modicum of relief for the victim and the victim's family as well as provide a more fair hearing for the accused. He told the committee it is time to do the right thing and pass this bill. (Attachment 8)

Pat Hayes, father of Keighley Alyea (a victim of a brutal murder in September 2009) provided written testimony in support of the bill. (Attachment 9)

There were no opponents.

After further discussion, Chairman Kinzer requested the Research Staff provide additional information as to how many of the states allow the Attorney General to convene a grand jury and how many states allow that at the request of the District Attorney or equivalent.

The hearing on **HB 2031** was closed.

The next meeting is scheduled for February 9, 2011.

The meeting was adjourned at 4:40 p.m.

JUDICIARY COMMITTEE GUEST LIST

DATE: Feb. 8, 2011

[illegible]

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MEMORANDUM

To: House Committee on Judiciary
From: Jill Ann Wolters, Senior Assistant Revisor
Date: 8 February, 2011
Subject: House Bill No. 2042, pornographic materials at a crime scene

HB 2042 would provide that when an adult is arrested or charged with the commission or attempted commission of a sexually violent crime, a law enforcement officer responding to the scene of the crime shall report, for statistical purposes only, on the evidence collection form evidence of pornographic materials found:

- (1) At the scene of the crime;
- (2) on the person arrested of the crime;
- (3) at the residence of the person arrested of the crime; and
- (4) in the vehicle of the person arrested of the crime.

"Sexually violent crime" means: Rape, indecent liberties with a child, aggravated indecent liberties with a child, criminal sodomy (sodomy with a child 14 or 15, and causing a child 14 or 15 to engage in sodomy with a person or animal), aggravated criminal sodomy, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child, sexual battery, aggravated sexual battery, aggravated incest, electronic solicitation, unlawful sexual relations, any conviction for an offense that is comparable to a sexually violent crime, any federal, military or other state conviction for an offense that is comparable to a sexually violent crime, an attempt, conspiracy or criminal solicitation of a sexually violent crime, or any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated.

TESTIMONY OF PHILLIP COSBY
KANSAS CITY DIRECTOR, NATIONAL COALITION FOR THE PROTECTION OF
CHILDREN AND FAMILIES
KANSAS HOUSE JUDICIARY COMMITTEE
HB 2042 February 2011

Chairman Kinzer and honorable members of the Judiciary Committee, my name is Phillip Cosby. I am a native of Kansas and currently the Executive Director for the Kansas City office of the National Coalition for the Protection of Children and Families. I am honored to have the privilege to speak to you in support of **HB 2042** regarding the reporting of pornographic materials during investigations of sexual crimes.

HB 2042 to my knowledge, for the first time, will provide for collection of data to quantify and connect the dots between pornographic materials and criminal behavior. Such data will either affirm or refute the anecdotal observations, debates and speculations that range from "pornography is just harmless fun" to "pornography is the fuel that acts as a catalyst for fantasy driven criminal behavior".

These past eight years I have spoken to thousands of Kansans citizens and civic officials concerning the negative effects of Sexually Oriented Businesses (SOBs) in communities. The evidence of harm is not anecdotal; the lawful regulation of the sex industry is based on measurable toxic effects on communities. The right of communities to regulate SOBs has been constitutionally upheld for over thirty years. The documented effects are primarily increased crime, increased STD's, blight, property devaluation, prostitution, human trafficking and drug trafficking. One judge recently commented "it is not just the evidence of negative effects, it is common sense."

The KC Star story put forth a piercing question asking how Kelsey Smiths killer went from juvenile delinquent to rapist and murderer. *Motive May Never Be Known, Questions Remain* "KC Star Sep.15th" The article turned a blind eye to the obvious. Not one time in this story and question was the elephant in the room of cause and effect of an addiction to sexualized materials weighted.

I asked the Johnson County prosecutor, during their investigations, as to what they found in the way of sexualized materials that could have contributed to fuel the impulse to act out such a criminal fantasy. The prosecutor was genuinely interested in the question but stated that it was not in their rubric to look for and document such corroborative evidence. In my conversations with most experienced law enforcement personnel and convicted sex offenders they generally agree that the influence of pornography is a major factor in deviant behavior.

"Pornography is the fuel that acts as a catalyst for fantasy-driven criminal behavior." *Vernon J. Geberth, retired Lt. Commander of the NYPD*

The abduction, sexual assault and murder of Kelsey Smith of Johnson County , Jodi Sanderhold of Arkansas City, Alicia DeBolt of Great Bend...motives unknown? The toxic effects of highly sexualized materials is striking in it comparisons with the tobacco debates in denial and effects. According to the KBI sexual crimes increased 40% from 2003 (553) to 2009 (912).

It is cause and effect: garbage in, garbage out. We can't afford to be indifferent, in denial or dismiss as harmless fun the pervasive flood of highly sexualized materials now exacerbated by emerging handheld communication technologies. The pornification of America has changed everything.

We all sense it. Every day the news relays the latest heartbreaking story of abductions, child molestations, human trafficking, solicitations, and sexual misconduct at the highest levels of sacred and secular trust, urban blight, rising STD rates, fantasy driven sexual assaults, rape and murder. Our sense of safety, wholesomeness and innocence is evaporating. When you and I were in grade school we played freely with our friends on Saturdays in our neighborhoods and beyond. Our parents did not have to be unduly fraught with concerns for our personal safety. For us, the general rule was, when those street lights flicker on you better be home. Those days of experiencing such freedom and safety are long since gone for today's children. Outside of organized and supervised sports, where are those groups of playful youngsters today?

Legislative bodies on many levels are behind the curve in recognizing and reacting to the cause and effect relationship of the sex industry on individual lives. The ease of accessibility to highly sexualized images by emerging technologies is exacerbating this growing public safety and health crisis.

This is a real pocketbook issue. In Kansas prisons one third of the inmates are incarcerated for sexual crimes at a cost of \$30,000 annually per prisoner. As a matter of good common sense KDOC policy inmates are not allowed access to pornographic materials. You can't raise enough taxes, build enough prisons and buy enough ankle bracelets for this toxic tsunami. Ladies and gentlemen what we have is an epidemic and we must act. At the very least we can quantify the question. **HB 2042** is a compelling governmental interest.

Phillip Cosby

Executive Director, Kansas City Office, NCPC&F

11936 W. 119th St. # 193

Overland Park, Kansas 66213 Cell# 913-787-0075 pcosby@nationalcoalition.org

Supporting Documents:

CD of the 214 page report "*Adult Pornography and Child Sexual Exploitation*" Robert Peters
Booklet. "*Social Costs of Pornography*" Witherspoon Institute

CRIMINAL INVESTIGATION RECORD / NOT AN OPEN PUBLIC RECORD

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How Adult Pornography Contributes To Sexual Exploitation of Children

By Robert Peters,
President of Morality in Media
September 2009

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Introduction

Federal and state law enforcement agencies and prosecutors, Internet service providers, credit card companies, banks, and nonprofits are finally working together to curb sexual exploitation of children on the Internet. They are to be commended for doing so.

For the most part, however, these same government and private entities have turned a blind eye towards the explosion of hardcore adult pornography on the Internet and elsewhere. The latter does not depict actual children but does include hardcore depictions of sex with persons who look like children and with “teens.” Hardcore adult pornography also encompasses depictions of sex with animals, other family members, multiple partners (“gangbangs”), and prostitutes. It also depicts excretory activities and sexual violence against women, including rape and torture.

The explosion of hardcore adult pornography on the Internet and elsewhere is contributing to sexual exploitation of children in a variety of ways, including the following:

- Perpetrators use adult pornography to groom their victims.
- For many perpetrators there is a progression from viewing adult pornography to viewing child pornography.
- Johns act out what they view in adult pornography with child prostitutes and pimps
- use adult pornography to instruct child prostitutes.
- Children imitate behavior they view in adult pornography with other children.
- Perpetrators use adult pornography to sexually arouse themselves.
- Addiction to adult pornography destroys marriages, and children raised in one-parent households are more likely to be sexually exploited.
- Furthermore, while protecting children from sexual exploitation (abuse) should be top priority, it is by no means the only concern. In *Paris Adult Theater I v. Slaton*, 413 U.S. 49, at 57 (1973), the Supreme Court recognized that there are several "legitimate state interests at stake in stemming the tide of commercialized obscenity." These include:
 - Protecting children from *exposure to* pornography (at 57)
 - Protecting the quality of life and total community environment (at 58)
 - Protecting public safety (at 58)
 - Maintaining a decent society (at 59-60)
 - Protecting the social interest in order and morality (at 61)
 - Protecting family life (at 63)

The display of pornography is also a frequent component in workplace sexual harassment cases, and the time wasted viewing Internet pornography reduces worker productivity. See, e.g., "Increased Visits to Porn Sites At Work," *Industry News*, Wavecrest Computing, 2/24/09, available at <http://www.wavecrest.net/editorial/issues.html#pr27>, where we read:

According to a study by Nielson Online in October 2008, visits to porn sites at work is up 23 percent from the previous year. This means that almost one quarter of employees are visiting porn sites during the workday. "Hits to porn sites are highest during office hours than at any other time of day," according to M.J. McMahon, publisher of *AVN Online* magazine, which tracks the adult video industry...Regardless, porn surfing at work poses a major legal liability risk for businesses. This type of activity puts the employer at serious risk of being sued by *other* workers who are offended or upset by being exposed to pornographic images. Such suits usually take the form of 'sexual harassment' or 'hostile workplace' litigation and can be very costly...In addition to the legal costs, businesses also have to be concerned about costs due to loss of productivity... According to Salary.com, the average employee wastes 2.09 hours a day on the Internet...Furthermore, as Roger Young, Special Agent, FBI retired, points out: It was my own experience from working obscenity cases as a Special Agent of the FBI

(1975 - 2001), as well as my understanding from speaking to other Agents who investigated these cases, that there is no such thing as *just* an obscenity case. Crimes associated with obscenity crimes include arson, bribery, conspiracy, domestic terrorism, drugs, extortion, involuntary servitude, jury tampering, kidnapping, mail fraud, money laundering, murder, obstruction of justice, prostitution, public corruption, racketeering, rape, robbery, sexual assault, sexual exploitation of children, tax evasion, and witness intimidation. In addition to these governmental interests, our nation's role in polluting the world with adult pornography is also making the war against religiously based terrorism more difficult [See, e.g., 3R. Burkholder, "Iraq and the West: How Wide is the Morality Gap," *GALLUP*, 11/25/03 ("Gallup's Poll of Baghdad asked a representative sample of adults to describe -- in their own words -- what, if anything, they most resent about the West... More than a third (36%) of Baghdad residents said they believe Western culture has undermined moral standards by spreading sexually indecent influences ['pornography' and 'fornication'].") Available at <http://www.gallup.com/poll/9763/Iraq-West-How-Wide-Morality-Gap.aspx>)

But, some will say, unlike individuals that sexually abuse children or that view, possess or distribute child pornography, businesses that distribute adult pornography online are not breaking any laws. Perhaps ignorance of the law does explain why some who fight sexual exploitation of children turn a blind eye to the problem of hardcore adult pornography.

The truth of the matter is, however, that in 1996 Congress amended two sections of the federal criminal obscenity laws (18 USC 1462 & 1465) to clarify that distribution of obscene matter is prohibited on the Internet. In *Miller v. California*, 413 U.S. 15, 23 (1973), the U.S. Supreme Court has also stated: "This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment." The *Miller* Court (413 U.S. at 29) went on to define the term "obscene" in a manner intended to restrict the reach of federal and state obscenity laws to "'hard-core' pornography." Today, most adult pornography distributed commercially, whether online or off line, is "hardcore." Typical "hardcore pornography" (e.g., a Web site, DVD or magazine) consists of little if anything more than one depiction of hardcore sex after the other (i.e., it's "wall-to-wall" hardcore sex). But, some will say, the porn business is thriving, which is an indication either that "everyone" is viewing it or that the average American no longer deems hardcore pornography unacceptable.

Pornography defenders overlook at least three factors. First, much if not most hardcore adult pornography is consumed by a relatively small percentage of individuals who are addicted to it. Second, just because a person experiments with hardcore adult pornography for a period of time or on occasion succumbs to the temptation to view it does not mean he or she approves of what is viewed, especially when hardcore adult pornographers promote their products aggressively and often deceptively. Third, many visitors to "adult websites" are minors. In recent years, Morality in Media has commissioned Harris Interactive to ask questions about pornography in three different national opinion polls. The results of those polls are as follows:

- In 2005, more than three out of four (77%) adult Americans said they supported the
- Justice Department's then new effort to enforce federal obscenity laws,
- In 2006, almost three in four (73%) adult Americans said they did *not* consider it morally acceptable to view pornographic websites and videos.
- In 2008, three out of four (75%) adult Americans said they would support the next
- President were he to do all in his or constitutional power to ensure that federal obscenity laws are enforced vigorously.

According to a survey conducted by Pew Research Center ("Trends in Political Values and Core Attitudes: 1987-2007"), 70% of adult Americans *disagreed with* the statement, "nude pictures and X-rated videos on the Internet provide harmless entertainment for those who enjoy it." But, some will say, because of limited resources federal and state law prosecutors and law enforcement agencies are right to focus their energies almost exclusively on child molesters and child pornography. There are a number of problems with this particular "justification" for doing next to nothing to curb distribution of hardcore adult pornography.

In the first place, as elaborated on in this report, the explosion of hardcore adult pornography is contributing to sexual exploitation of children in various ways.

In the second place, children are not just harmed by predators; they are also harmed by exposure to hardcore adult pornography.

In the third place, a frequent result of a successful federal obscenity prosecution is a significant fine or forfeiture of property, which can offset in whole or part the cost of these cases.

In the fourth place, it isn't just children who are harmed by hardcore adult pornography. The remainder of this report explores six ways that the explosion of adult pornography on the Internet and elsewhere is contributing to sexual exploitation of children.

I researched and wrote the report because I am convinced that those who fight sexual exploitation of children but who turn their backs to the adult pornography problem are making a tragic mistake.

Pornography and Crime:
Reporting the presence of pornography connected to crime

Mary Anne Layden, Ph D
Director
Sexual Trauma and Psychopathology Program
Center for Cognitive Therapy
Department of Psychiatry
University of Pennsylvania

Thank you for allowing me to address you today.

I am speaking today in support of the passage of HB 2042, The reporting of pornographic materials during the investigation of sexual crimes. There are many reasons why this is an important bill and why this bill can help solve the kinds of psychological and criminal problems that I deal with everyday.

I had been doing this work for more than 10 years before I realized that I had not treated one case of sexual violence that did not include pornography. The types of cases that I treat are varied and differ in many important ways. Sexual harassment cases are different from rape cases which are different from incest cases. However, they all involved pornography.

Most people understand intuitively or from looking at research or clinical experience that there is a connection between using child pornography and the behavior of child rape. The images in child pornography are Permission-Giving for sexual behavior between adults and children. Child rapists tell me they know that kids like to have sex with adults because they have seen their smiling faces in the child pornography they access on the Internet.

These same people who understand this connection may forget that adult pornography is Permission-Giving as well: for adult rape, for combining sex with violence, for the message that when women say no they mean yes, for male sexual entitlement to have sex with whomever they want, whenever they want, however they want, for the message that male sexuality is viciously narcissistic, predatory and out of control and that female sexuality is insatiable and indiscriminant. Pornography is hate speech against men and women and is mis-education about sexuality. It is also Permission-Giving for psychological psychopathology and crime.

The crimes that are connected to these Permission-Giving Beliefs which are spread in pornography are not just incest and child rape. They are adult rape, sexual harassment, adult and child prostitution, adult and child sex trafficking and domestic violence

combined with sexual assault. All of these connections have been found in both clinical experience and in research.

Research also indicates that there three factors that predict sexual violence. (1) Hostility toward women (2) The belief that sex is a non-intimate, recreational, adversarial behavior (3) The use of pornography. In fact, all of these factors are connected to the use of pornography.

My own research indicates that the earlier young males are exposed to pornography the more likely they are to engage in non-consensual sex and the more pornography females use the more likely they are to be victims of non-consensual sex. Pornography is an equal opportunity toxin for both males and females.

You can find these research results in the research summary I have provided with a listing of 29 findings showing the connection between pornography and crime.

While today we are focusing on the crimes connected to pornography, the research indicates that the social, psychological, physical, developmental, financial and spiritual consequences of pornography are enormous as well. Due to universal availability of pornography on the Internet the world is facing a sexual tsunami unprecedented in history. We know that sexual abuse is the most effective way to produce psychiatric problems in adults and it shows up in the histories of adult patients more than any other factor.

To help stem the tide of this criminal and psychological catastrophe, we need laws, we need enforcement, we need education, we need research, we need treatment. A good first step would be to have police report the presence of pornography connected to crimes. They may find what I have found that there is no case of sexual violence that does not involve pornography. Knowledge is power but once you know the truth silence is complicity. I urge you not to be silent. I urge you to pass this bill.

Thank you.

Mary Anne Layden, Ph D
Director
Sexual Trauma and Psychopathology Program
Center for Cognitive Therapy
Department of Psychiatry
University of Pennsylvania

Dr. Layden is the director of the Sexual Trauma and Psychopathology Program at the Center for Cognitive Therapy, Department of Psychiatry, University of Pennsylvania. For 25 years she has specialized in the treatment of sexual violence victims. In the last 8 years she has also worked with sexual violence perpetrators and sex addicts. She has testified before the US Congress on five occasions and has spoken at one Congressional Briefing.

Turning a blind eye to the obvious.

Dr Mary Anne Layden,
Sexual Trauma and Psychopathology
Center, University of Pennsylvania

"I have not found one case of violent sex crimes in over ten years of practice as a psychotherapist that did not involve pornography."



"Motive May Never Be Known"
In the abduction, sexual assault and murder of
Kelsey Smith Age 18 KC STAR 17 Sep 08:



Police May Never Know Motive in Abduction, Rape & Murder of Arkansas City, KS. Student
Jodi Sanderholm Age 19





Alicia DeBolt,
Age 14 Great Bend KS.
Abducted and burned Aug 2010




Reporting The Obvious


A law enforcement officer responding to a crime scene for an adult arrested for the commission or attempted commission of a sexually violent crime would report any pornographic material found at the scene of the crime, the residence of the adult arrested, or the vehicle of the adult arrested.



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"Pornography is the fuel that acts as a catalyst for fantasy-driven criminal behavior."



**Vernon J. Geberth, retired
Lt. Commander of the NYPD**

Pornography and Sexual Violence Research Results

**Compiled by
Mary Anne Layden, Ph D
Director
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Center for Cognitive Therapy
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Adult (>18 years old) exposure to pornographic media is connected with:

1. Believing a rape victim enjoyed rape
2. Believing women suffer less from rape
3. Believing women in general enjoy rape
4. Believing a rape victim experienced pleasure and "got what she wanted"
5. Believing women make false accusations of rape
6. Believing rapist deserve less jail time
7. More acceptance of the rape myth
8. More acceptance of violence against women
9. More adversarial sex beliefs
10. Increasing their estimates of how often people engage in sex with violence
11. More self-reported likelihood of forcing a woman sexually
12. More self-reported likelihood of rape
13. Creating more sexually violent fantasies to get aroused
14. Engaging in more sexual harassment behaviors
15. More likelihood of forcing a woman sexually
16. More likelihood of future rape
17. Using physical coercion to have sex
18. Using verbal coercion to have sex
19. Using drugs and alcohol to sexually coerce women
20. Having engaged in rape
21. Having engaged in date rape
22. Having engaged in marital rape
23. Being an adult sex offender
24. Being a child molester
25. Being an incest offender
26. Engaging in sexual abuse of a battered spouse
27. More willingness to have sex with 13-14 year olds
28. More sexual attraction to children
29. Having sexually abused children

Studies

Allen, M., Emmers, T. M., Gebhardt, L., & Giery, M. (1995). Pornography and rape myth acceptance. Journal of Communication, 45, 5-26.

Finding: 8

Barak, A., Fisher, W.A., Belfry, S., & Lashambe, D. R. (1999). Sex, guys, and cyberspace: Effects of internet pornography and individual differences on men's attitudes toward women. Journal of Psychological and Human Sexuality, 11, 63-92.

Finding: 14

Boeringer, S.B. (1994). Pornography and sexual aggression: Associations of violent and nonviolent depictions with rape and rape proclivity. Deviant Behavior, 15, 289-304.

Findings: 15, 18, 19, 20

Baron, L. & Straus, M. (1984). Sexual stratification, pornography, and rape in the United States. In N. Malamuth and E. Donnerstein (Eds) Pornography and Sexual Aggression. New York: Academic Press.

Finding: 20

Bourke, M. & Hernandez, A. (2009). The Butner study redux: A report of the incidence of hands-on child victimization by child pornography offenders. Journal of Family Violence, 24, 183-191.

Finding: 29

Briere, J. & Runtz, M. (1989). University males sexual interest in children: Predicting potential indices of "pedophilia" in a nonforensic sample. Child Abuse and Neglect, 13, 65-75.

Finding: 28

Carr, J. & VanDeusen, K. (2004). Risk factors for male sexual aggression on college campuses. Journal of Family Violence, 19, 279-289.

Findings: 17,20

Carter, D. L., Prentky, R. A., Knight, R. A. & Vanderveer, P. L. (1987). Use of pornography in the criminal and developmental histories of sex offenders. Journal of Interpersonal Violence, 2, 2, 196-211.

Finding: 29

Check, J. V. P., & Guloien, T. H. (1989). The effects of repeated exposure to sexually violent pornography, nonviolent dehumanizing pornography, and erotica. In D. Zillmann & J. Bryan (Eds.), Pornography: Recent research, interpretations, and policy considerations (pp. 159-184). Hillsdale, NJ: Erlbaum.

Findings: 7, 9, 11, 12, 16

Check, J. & Malamuth, N. (1985). An empirical assessment of some feminist hypotheses about rape. International Journal of Women's Studies, 8, 414-423.

Findings: 1, 2, 3

Crossman, L. (1995). Date rape and sexual aggression by college males: Incidence and the involvement of impulsivity, anger, hostility, psychopathology, peer influence and pornography use. Dissertation Abstracts International: Section B: The Sciences and Engineering, 55, 4640

Findings: 17, 20

Hald, G., Malamuth, N. & Yuen, C. (2010). Pornography and attitudes supporting violence against women: revisiting the relationship in non experimental studies. Aggressive Behavior, 36, 14-20.

Finding: 8

Hegna, H., Mossige, S. & Wichstrom, L. (2004). Older adolescents' positive attitudes toward younger adolescents as sexual partners. Adolescence, 39, 156, 627-651.

Finding: 27

Kingston, D. A., Fedoroff, P., Firestone, P., Curry, S., Bradford, J. M. (2008) Pornography use and sexual aggression: The impact of frequency and type of pornography use on recidivism among sexual offenders. Aggressive Behavior, 34, 4, 341-351.

Finding: 29

Malamuth, N. (1981). Rape fantasies as a function of exposure to violent sexual stimuli. Archives of Sexual Behavior, 10, 33-47.

Finding: 13

Malamuth, N., Addison, T. & Koss, M. (2000). Pornography and sexual aggression: Are there reliable effects and can we understand them? Annual Review of Sex Research, 11, 26-68.

Finding: 20

Marshall, W. L. (1988). The use of sexually explicit stimuli by rapists, child molesters and non-offenders. Journal of Sex Research, 25, 2, 267-288.

Findings: 20, 23, 24, 25

Millburn, M., Mather, R. & Conrad, S. (2000). The effects of viewing R-rated movie scenes that objectify women on perceptions of date rape. Sex Roles, 43, 645-664.

Finding: 4

Ohbuchi, K. Ikeda, T. & Takeuchi, G. (1994). Effects of violent pornography upon viewers rape myth beliefs: A study of Japanese males. Psychology, Crime & Law, 1, 71-81.

Findings: 1, 3, 5

Proulx, J., Perreault, C. & Ouimet, M. (1999). Pathways in the offending process of extrafamilial sexual child molesters. Sexual Abuse: A Journal of Research and Treatment, 11, 2, 117-129.

Finding: 29

Seto, M. & Eke, A. (2005). The criminal histories and later offending of child pornography offenders. Sexual Abuse: Journal of Research and Treatment, 17, 2, 201-210.

Finding: 29

Shope, J. (2004). When words are not enough: The search for the effect of pornography on abused women. Violence Against Women, 10, 1, 56-72.

Finding: 26

Simmons, C. A., Lehmann, P. & Collier-Tennison, S. (2008). Linking male use of the sex industry to controlling behaviors in violent relationships: An exploratory analysis. Violence Against Women, 14, 406-417.

Findings: 22, 26

Smiljanich, K. & Briere, J. (1996). Self-reported sexual interest in children: Sex differences and psychosocial correlates in a university sample. Violence and Victims. 11, 1, 39-50.

Finding: 28

Vega, V. & Malamuth, N. (2007). Predicting sexual aggression: The role of pornography in the context of general and specific risk factors. Aggressive Behavior, 33, 104-117.

Findings: 14, 20

Warshaw, R. (1988). I never called it rape. New York, Harper and Row.

Finding: 21

Weisz, M.G., & Earls, C. M. (1995). The effects of exposure to filmed sexual violence on attitudes toward rape. Journal of Interpersonal Violence, 10, 71-84.

Findings: 7, 8

Wheeler, D. L. (1997). The relationship between pornography usage and child molesting. Dissertation Abstracts International Section A: Humanities and Social Sciences, Vol 57(8-A), pp. 3691.

Finding: 29

Zillmann, D & J. Bryant. (1984). Effects of massive exposure to pornography. In Malamuth, N and Donnerstein, E. (Eds), Pornography and sexual aggression. San Diego, Academic Press.

Findings: 6, 10

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2. Believing women suffer less from rape

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3. Believing women in general enjoy rape

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4. Believing a rape victim experienced pleasure and "got what she wanted"

Millburn, M., Mather, R. & Conrad, S. (2000). The effects of viewing R-rated movie scenes that objectify women on perceptions of date rape. Sex Roles, 43, Nov 2000, 645-664.

5. Believing women make false accusations of rape

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6. Believing rapist deserve less jail time

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7. More acceptance of the rape myth

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8. More acceptance of violence against women

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9. More adversarial sex beliefs

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10. Increasing their estimates of how often people engage in sex with violence

Zillmann, D & J. Bryant. (1984). Effects of massive exposure to pornography. In Malamuth, N and Donnerstein, E. (Eds), Pornography and sexual aggression. San Diego, Academic Press.

11. More self-reported likelihood of rape

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12. More self-reported likelihood of forced sex acts

Check, J. V. P., & Guloien, T. H. (1989). The effects of repeated exposure to sexually violent pornography, nonviolent dehumanizing pornography, and erotica. In D. Zillmann & J. Bryan (Eds.), Pornography: Recent research, interpretations, and policy considerations (pp. 159-184). Hillsdale, NJ: Erlbaum.

13. Creating more sexually violent fantasies to get aroused

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14. Engaging in more sexual harassment behaviors

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15. More likelihood of forcing a woman sexually

Boeringer, S.B. (1994). Pornography and sexual aggression: Associations of violent and nonviolent depictions with rape and rape proclivity. Deviant Behavior, 15, 289-304.

16. More likelihood of future rape

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17. Using physical coercion to have sex

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Crossman, L. (1995). Date rape and sexual aggression by college males: Incidence and the involvement of impulsivity, anger, hostility, psychopathology, peer influence and pornography use. Dissertation Abstracts International: Section B: The Sciences and Engineering, 55, 4640

18. Using verbal coercion to have sex

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19. Using drugs and alcohol to sexually coerce women

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20. Having engaged in rape

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24. Being a child molester

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25. Being an incest offender

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- Carter, D. L., Prentky, R. A., Knight, R. A. & Vanderveer, P. L. (1987). Use of pornography in the criminal and developmental histories of sex offenders. Journal of Interpersonal Violence, 2, 2, 196-211.
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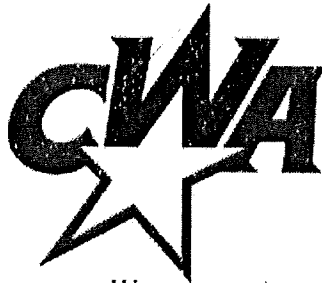
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CONCERNED WOMEN FOR AMERICA

TESTIMONY IN FAVOR OF HB 2042

The discovery of pornography at a crime scene is a possible clue to other crimes

Chairman Kinzer and Members of the House Judiciary Committee:

Concerned Women for America of Kansas supports HB 2042. We are the largest public policy women's organization in the nation; our concerns are not only for women but for children and families. Pornography hurts all of those categories so we support this bill.

The discovery of drug paraphernalia at a crime scene instantly alerts police that drug use and the crimes associated with the drug use/trafficking are an investigative avenue to explore. When pornography is found, it too should alert police to the possibility that other crimes may be involved. This legislation would document such findings and provide law enforcement with the links to other criminal activities such as sex trafficking, drugs, child molestation, and many others according to Roger Young, Special Agent FBI retired (1975-2001). He states there is no such thing as just an obscenity case...there almost always are other crimes involved.

Pornography addiction is as addictive as cocaine; the only difference is the chemical response in the brain is elicited through the eyes rather than being ingested. Viewing pornography produces a jolt of dopamine, a powerful brain hormone that affects the pleasure centers of the brain. As with other addictions, the dosage has to be continually increased to elicit the same response. The pornography addict needs more stimulation through more shocking material, eventually escalating to actualization...finding a live victim. Discovering pornography in the possession of an offender is like finding a blood trail...at the end there is almost always a victim.

Dr. Victor Cline, a clinical psychologist, in his treatment of over 350 sex addicts and offenders states that "with several exceptions, pornography has been a major or minor contributor or facilitator in the acquisition of their deviation or sexual addiction... He describes the steps involved: Addiction, Escalation; Desensitization and Acting out Sexually. According to the United States Postal Inspection Service, at least 80% of purchasers of child pornography are active abusers and nearly 40% of the child pornographers investigated over the past several years have sexually molested children in the past. [From a statement before the U.S. Senate on the Judiciary by Ernie Allen, Director of the National Center for Missing and exploited Children in 2002] A study by the Pennsylvania Internet Crimes against Children task force reported that 51% of individuals arrested for pornography-related offenses were also determined to be actively molesting children or to have molested in the past.

Predators often use child pornography to break down a child's resistance to molestation, using material that depicts children who are smiling, laughing and seemingly having fun, thus legitimizing the behavior in the child's eyes. Of 1,400 cases of reported child molestation in Louisville, Kentucky, between 1980 and 1984, pornography was connected with every incident and child pornography was connected in a majority of cases. [American Prosecutors Research Institute; "From Fantasy to Reality: The Link between Viewing Child Pornography and Molesting Children"; Candice Kim Volume 1, Number 2, 2004]

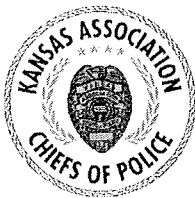
Predators use pornography routinely to groom young victims; to desensitize them to perverse sex acts. In a study by the Los Angeles Police Department's Sexually Exploited Child (SEC) Unit, officers have found that of the 320 adults arrested, 199 cases (62.2%) involved pornography. Pornography played a big part in sex trafficking of teenage girls in Wichita, Kansas May 2009, prompting the passage of Kansas' first sex trafficking bill. The pimps used pornography to train the young girls for prostitution.

Since pornography is clearly linked to the victimization of children, the increase of rape and domestic abuse as well as other crimes it would seem that a notation that such material was found in a person's possession could be a "red flag" to search for other possible crimes. We urge you to pass this bill.

Judy Smith

Judy Smith, State Director
Concerned Women for America of Kansas

House Judiciary
Date 2-8-11
Attachment # 4



**Kansas Association of
Chiefs of Police**

PO Box 780603
Wichita, KS 67278
(316)733-7301



**Kansas Sheriffs
Association**

PO Box 1853
Salina, KS 67402
(785)827-2222



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the House Judiciary Committee
In Opposition to HB2042
Collection of Data on Pornographic Material
February 8, 2011**

The Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association oppose HB2042 in its current form. The mandate to collect this information as provided in this bill creates many questions for law enforcement.

When this type of material is found in the course of an investigation and it is relevant evidence to a criminal act it is currently seized. Additionally, any seized items are currently cataloged in law enforcement evidence reports.

If the intent is to require law enforcement to list when there is evidence of the existence of pornographic material that has no evidentiary value, that information should not be listed on the "evidence collection form" which should be reserved for evidence. This requirement gives an implication the material is supposed to be collected.

The bill, as written, could mislead officers by implying justification to expand a search for the listed materials in the listed locations when it is not evidence of the crime and beyond the lawful scope of a search with or without a warrant.

Additionally, lines 24-25 state that any information collected under this provision could not be used for anything but statistical purposes. We are concerned this provision has the risk of the defense arguing the evidence collection form, with this non-evidentiary listings, could not be used in court even if it contains other collected items that are truly evidence. We also think there is some risk it will create an argument about whether any such items seized as evidence was seized under this law, in whole or in part, or strictly as evidence to the crime. This argument would lead to hearings to determine if the material in question can be used as evidence with a risk legitimate evidence could be excluded.

This bill is unnecessary for the purposes of identifying and prosecuting an offender. It will not provide any new collection of information regarding evidence consisting of pornographic material. If it is aimed at collecting information on non-evidentiary pornographic material, it is an unnecessary burden on law enforcement's use of their time. If we are not to collect the material the bill needs to say that and it should not go on an evidence report of any kind. Law enforcement should not be tasked with yet another statistical data collection requirement that has nothing to do with the investigation and prosecution of a criminal act.

We urge you to not recommend this bill favorably for passage.

Ed Klumpp
Kansas Association of Chiefs of Police, Legislative Committee Chair
Kansas Sheriffs Association, Legislative Liaison
Kansas Peace Officers Association, Legislative Liaison
E-mail: eklumpp@cox.net
Cell: (785) 640-1102

House Judiciary
Date 2-8-11
Attachment # 5

Office of the Revisor of Statutes
300 S.W. 10th Avenue
Suite 24-E, Statehouse
Topeka, Kansas 66612-1592
Telephone (785) 296-2321 FAX (785) 296-6668

MEMORANDUM

To: House Committee on Judiciary
From: Jill Ann Wolters, Senior Assistant Revisor
Date: 8 February, 2011
Subject: House Bill No. 2031, criminal procedure, grand juries

Under current law, a grand jury may be summoned in one of two ways. A majority of district judges in a judicial district may order the grand jury be summoned in a county when it is determined to be in the public interest or by petition signed by the electors of a county alleging violations of law.

HB 2031 would authorize a third method to summons a grand jury, allowing the attorney general in any judicial district or the district or county attorney in such attorney's judicial district to petition the district court to order a grand jury to be summoned in the designated county in the district to investigate alleged violations of an off-grid felony, a severity level 1, 2, 3, 4 or 5 felony or a drug severity level 1 or 2 felony. The court would then consider the petition and, if it is in proper form, shall order a grand jury to be summoned.

Prepared Testimony of Missey Smith
Mother of Kelsey Smith

for the

Kansas House Judiciary Committee

In Support of House Bill 2031

February 8, 2011



In Memory of Kelsey

Chairman Kinzer and distinguished committee members, I want to thank you for the opportunity to testify today in support of House Bill 2031. I am the mother of Kelsey Smith, a beautiful and vibrant young lady, who was taken from a Target store in Overland Park, Kansas on June 2, 2007. Kelsey, only 18 years old, was brutally raped, sodomized and strangled to death by a complete stranger.

We were very fortunate that in Kelsey's case there was already a Grand Jury seated in Johnson County by citizens via petition to investigate alleged crimes. Since grand jury proceedings are closed we were not able to attend. To me this process is much less traumatic for a family. Unless you have been through something like this you have no idea what it is like. As a family member, I felt that I needed to be at every hearing that Kelsey's killer was at. She was not able to be there to represent herself so I had to be there. If her case had had a preliminary hearing, I would have been there as would other family, friends and the press. As it was we did not have to hear in open court what happened to our daughter until her killer pled guilty. Since the proceedings of a Grand Jury are sealed all of the evidence in her case was not entered in open court. This means that no one will be able to see the pictures of our daughter out in the woods nude and deceased. To me this was truly a blessing from God. This allowed us to give her some dignity. This was very important to us, especially in a case that was as public as hers. We were not able to protect her in life, but because of the Grand Jury proceeding we were able to protect her some in her death.

In my opinion, the Grand Jury proceeding is also provides fairness to the accused. In Kelsey's case, it was heard for the **first** time publicly that she was strangled with her own belt, that she was found in a wooded area that her killer knew well and that her killer's finger print was found in Kelsey's car **on** the day her killer pled guilty. There was no account of any of this evidence in the press to taint a jury pool, should her case have gone to a trial. If there had been a preliminary hearing what had occurred would have been in the news over and over. Because he pled guilty, what happened to her was not played out in the press everyday. With a preliminary hearing it would have been.

I was here last year testifying for this legislation and I am here again today because I truly believe convening a grand jury is a much more dignified and humane process for the victims and surviving family members.

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

22ND DISTRICT
STATE CAPITOL
TOPEKA, KS 66612
(785) 296-7665
greg.smith@house.ks.gov



8605 ROBINSON
OVERLAND PARK, KS 66212
(913) 302-9983

GREG SMITH

HB 2031 addresses the convening of grand juries in Kansas. This is not a new issue to this committee and it is not the first time I have been here to advocate for the passage of this legislation. In the past I described the emotional toll of being the father of a murder victim. Today, I'm advocating for this bill not only in that capacity but from the position of a 20 year law enforcement veteran, and, lastly, as the sponsor of this legislation. In simple terms, HB 2031 allows a district or county attorney to convene a grand jury to hear the most serious felony cases instead of using the preliminary hearing procedure.

As a law enforcement officer I have never viewed the criminal justice system as one that takes emotions into account, either those of the accused or of the victims. As a legislator, I strive to see all sides of an issue and make the best decision possible. However, I try to keep emotions out of the decision process. As the father of a murder victim, it is impossible to keep emotions out of the equation.

The loss of a child is devastating to any parent. The violent taking of your child's life by a vicious predator is a blow that is unbelievably devastating. I have met many parents who have lost a child in this manner. One of two things seems to happen to them. They wither from the emotional strain and retreat from life or they propel themselves forward with the memory of their child and work to make a difference – to make things work better for others. My wife and I have done the latter.

We established the Kelsey Smith Foundation, a 501 (c)(3) that provides educational resources, practical workshops and direct liaison with the community and with families who experience the tragedy of violently losing a loved one. We have experienced the loss of child in this manner firsthand and we have provided resources and support for other families who have lost a child. We have learned from these experiences and we have grown stronger. What we haven't done, and will never do, is recover from the loss.

The criminal justice system serves a vital purpose, the administration of justice for crimes committed. It does not take into account the emotional toll of crimes on the victims or the survivors. A preliminary hearing is designed to air evidence to prove probable cause, that is evidence that the crime the accused is alleged to have committed probably occurred and the accused should stand trial. The problem is this is a public hearing, a miniature trial, if you will, that requires the excruciating details of horrific crimes, such as the one that befell my daughter, Kelsey. These details are then picked up by the media, whose job is not to show probable cause but to get ratings. The terrible details are repeated at 5, 6 and 10 PM and then run again on the next morning's news. Graphic depictions of the crime scene are shown. The survivors are hit again and again with the awful reality of what happened to their loved one.

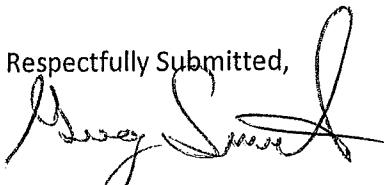
House Judiciary
Date 2-8-11
Attachment # 8

The publicity influences the potential juror pool. It changes public perception of what happened. It places the accused on trial in the media and not in the courtroom. It impedes the core purpose of the criminal justice system.

The federal model of criminal justice – the grand jury system provides safeguards for the victim, the victim's family and the accused. Seventeen states use the grand jury as the primary means of determining probable cause in felony cases. I have included data that Legislative Research culled that shows how other states utilize grand juries. The grand jury system, probably unintentionally, provides an emotional cushion for victims and their families. Unintentional or not, though, it does cushion the blow of hearing what happened to your loved one. It provides one less time that the victim and victim's family are traumatized by the facts of the crime.

The family need hear the facts only once if a grand jury is utilized. They hear the details at trial or if a defendant chooses to plead guilty, when the defendant is sentenced. Without the grand jury, the victim and victim's family are exposed to the details at the preliminary hearing, in the media leading up to trial, at the trial, and the media coverage of the trial, and then possibly at sentencing once the accused is found guilty. The reduction of exposure to the gruesome details provides some measure of relief to the victim and victim's family. I have walked in these shoes and my experience has shown that this bill could do something that most legislation does not; provide a modicum of relief for the victim and victim's family as well as provide a more fair hearing for the accused. It's time to do the right thing and pass HB 2031.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Greg Smith", written over the typed name.

Greg Smith

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Mississippi	-	-	Unless otherwise directed, not more than 2/year - MS ST 13-5-39
South Carolina	823,309	-	Court shall draw the succeeding term's grand jury members at the end of the prior term - SC ST 14-7-1510
Pennsylvania	553,290	-	May be convened by the attorney for the Commonwealth by the court - 42 PA C.S.A. 4543
Delaware	402,491	-	Court shall order 1 or more be summoned at such time as public interest requires - DE R SUPER CT RCRP Rule 6
Alabama	275,075	-	Counties with population < 50,000, at least 2/year; counties with a population > 50,000, at least 4/year - AL ST 12-16-190
Kentucky	251,252	-	Convened at least once every 4 months upon order of the chief circuit judge - KY ST 29A.210
Maine	71,218	-	May be convened by the superior court - ME R RCRP Rule 6
Montana	52,247	-	Summoned whenever judge deems it necessary - MT ST 3-15-601
Florida	1,503,985	389,127	Chief judge shall request the selection of jury lists during the first week of January of each year - FL ST 40.02
Texas	2,565,242	276,939	Jury commissioners shall select grand jurors for the next term of court - TX CRIM PRO Art. 19.06
California	1,724,310	272,255	Superior court shall order a grand jury drawn whenever public interest requires - CA PENAL 904
Virginia	1,163,226	128,934	There shall be a regular grand jury at each term of the circuit court of each county and city - VA ST 19:2-193
North Carolina	1,853,505	110,083	Presiding must order a grand jury to convene at any time - NC ST 15A-622
Ohio	901,902	95,153	Shall be ordered by the court as public interest requires - OH ST 2939.03, 2939.17, OH ST RCRP RULE 6
Illinois	512,133	93,891	Counties with population < 1 million, shall be impaneled upon motion of the court or of the state's attorney; counties with population > 1 million, shall be convened on the first Monday of each month - IL ST 725 s 5/112-3
Tennessee	173,196	88,033	Shall be impaneled at least 2x/year, at times selected by the presiding judge - TN ST 16-2-510, TN R RCRP Rule 6
Georgia	649,760	85,869	At the end of the judicial term, the superior court judge shall draw grand juror names for the next judicial term - GA ST 15-12-62
Maryland	310,788	77,626	Each circuit court will have a written jury plan for selection and service - MD CTS & JUD PRO 8-201
Indiana	307,275	76,113	Court may convene grand jury of own accord or at request of prosecuting attorney - IN ST 35-34-2-2
Michigan	1,012,366	69,912	Shall not be drawn unless directed by the judge - MI ST 767.7
Arizona	763,038	59,385	Counties with population < 200,000, called on the discretion of the judge or petition of the county attorney; Counties with population > 200,000, shall be called every 4 months - AZ ST 21-402

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Missouri	189,227	57,973	Upon order of the presiding judge, names of prospective grand jurors shall be randomly selected - MO ST 494.415
Arkansas	580,700	57,218	Circuit courts may call grand jurors from the same box as petit jurors, or may draw the names from a separate grand jury box or wheel - AR ST 16-32-201
Louisiana	364,760	56,634	Shall be impaneled 2x/year in each parish, except in Cameron parish in which 1 grand jury shall be impaneled/year - LA C. Cr. P. Art. 414
New Jersey	757,009	54,416	Shall be at least one grand jury serving in each county at all times - NJ ST 2B:21-1
New York	749,317	53,034	Appellate division of each judicial department shall adopt rules governing the number of terms for which grand juries shall be drawn - NY CRIM PRO 190.10
Oklahoma	110,209	44,191	Judge of the court shall determined the number of jurors necessary for jury services; grand jury shall be ordered by the court - OK ST T 38 s 20, 21
Colorado	187,796	40,492	Counties with populations < 100,000, called at the discretion of the court or upon motion of the DA; counties with population > 100,000, convened by the court at the first term of each year - CO ST 13-72-101
Washington	358,463	40,268	Shall be summoned by a majority of the judges at the superior court - WA ST 10.27.030
Connecticut	167,483	38,204	Superior Court may order a grand jury when necessary - CT ST 54-45
Minnesota	176,570	34,026	District court shall order one or more grand juries drawn at least 1x/year and whenever required by public interest - MN ST RCRP Rule 18.01
Wisconsin	144,501	33,581	Any judge may order the selection of a grand jury - WI ST 968.40
Oregon	93,433	29,373	Judge shall direct a master jury list be prepared prior to the commencement of a jury service term - OR ST 10.225
Iowa	91,962	24,126	Shall be drawn when public interest requires as prescribed by the chief judge of the district court - IA R 2.3
New Mexico	114,182	23,168	District judge may convene 1 or more at any time - NM ST 31-6-1
Utah	121,922	21,847	Panel of judges shall hear pertinent information and convene grand jury when necessary - UT ST 77-10a-2
Kansas	57,866	19,933	A majority of the district judges in the district may order a grand jury be summoned whenever it is in the public interest; shall be summoned in any county upon petition bearing the signatures of a number of electors equal to 100 +2% of the total number of votes cast for governor in the county - KS ST 22-3001
Nevada	156,489	11,787	District court judge may call grand jury whenever public interest requires, but at least once in each 4 years - NV ST 6.110 May be called by petition of registered voters in the county - NV ST 6.132

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Idaho	133,695	9,530	Shall be impaneled upon motion of the prosecuting attorney to the district judge, or by the court, if the public interest requires - ID ST 2-501, ID R RCRP Rule 6.1
New Hampshire	77,774	9,344	Shall be convened at the discretion of the court - NH 500-A:6, 600:1
Nebraska	141,814	8,878	Shall be summoned by the district courts on such day of a regular term as the district court may direct - NE ST 29- 1401 May be called by petition of the registered voters in the county - NE ST 29-1401.02
North Dakota	39,962	6,785	District judge shall order that a grand jury be summoned whenever justice requires, or whenever requested by the board of county commissioners or by a certain number of qualified electors - ND ST 29-10.1-02
Alaska	39,414	6,300	Presiding superior court judge of judicial district shall convene the grand jury - AK R RCRP Rule 6
West Virginia	144,496	6,265	There should be a grand jury at each term of a circuit court and at any other time as required - WV ST 52-2-1
South Dakota	28,410	5,797	Circuit court order required to impanel a grand jury -SD ST 16-13-21
Massachusetts	51,940	5,617	Chief justice of the superior court may cause the grand jury to be assembled in any county at any place and time - MA ST 212 s 23
Rhode Island	42,283	5,499	All grand juries impaneled by the superior court; AG may apply to the court for the convening of an additional grand jury - RI ST 8-2-34, 12-11-3.1
Hawaii	112,209	3,668	Court shall order grand juries at such times as the public interest requires, provided that an annual initial impaneling occurs no later than Jan. 15 - HI ST 612-16
Vermont	17,862	3,411	Jury commission shall summon grand jury to appear at any special or stated term - VT ST T. 4 s 959 May be called by court, state's attorney, AG, or the governor - VT R RCRP Rule 6
Wyoming	30,592	1,978	Summoned only when ordered by a judge of the district court - WY ST 7-5-101

50 State Survey - Grand Jury Information

Highlighted boxes indicate grand jury is required for felony indictments

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Illinois	512,133	93,891	Counties with population < 1 million, shall be impaneled upon motion of the court or of the state's attorney; counties with population > 1 million, shall be convened on the first Monday of each month - IL ST 725 s 5/112-3
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Indiana	307,275	76,113	Court may convene grand jury of own accord or at request of prosecuting attorney - IN ST 35-34-2-2
Alabama	275,075	-	Counties with population < 50,000, at least 2/year; counties with a population > 50,000, at least 4/year - AL ST 12-16-190
Kentucky	251,252	-	Convened at least once every 4 months upon order of the chief circuit judge - KY ST 29A.210
Missouri	189,227	57,973	Upon order of the presiding judge, names of prospective grand jurors shall be randomly selected - MO ST 494.415
Colorado	187,796	40,492	Counties with populations < 100,000, called at the discretion of the court or upon motion of the DA; counties with population > 100,000, convened by the court at the first term of each year - CO ST 13-72-101
Minnesota	176,570	34,026	District court shall order one or more grand juries drawn at least 1x/year and whenever required by public interest - MN ST RCRP Rule 18.01
Tennessee	173,196	88,033	Shall be impaneled at least 2x/year, at times selected by the presiding judge - TN ST 16-2-510; TN R RCRP Rule 6
Connecticut	167,483	38,204	Superior Court may order a grand jury when necessary - CT ST 54-45
Nevada	156,489	11,787	District court judge may call grand jury whenever public interest requires, but at least once in each 4 years - NV ST 6.110 May be called by petition of registered voters in the county - NV ST 6.132
Wisconsin	144,501	33,581	Any judge may order the selection of a grand jury - WI ST 968.40
West Virginia	144,496	6,265	There should be a grand jury at each term of a circuit court and at any other time as required - WV ST 52-2-1
Nebraska	141,814	8,878	Shall be summoned by the district courts on such day of a regular term as the district court may direct - NE ST 29- 1401 May be called by petition of the registered voters in the county - NE ST 29-1401.02
Idaho	133,695	9,530	Shall be impaneled upon motion of the prosecuting attorney to the district judge, or by the court, if the public interest requires - ID ST 2-501, ID R RCRP Rule 6.1
Utah	121,922	21,847	Panel of judges shall hear pertinent information and convene grand jury when necessary - UT ST 77-10a-2
New Mexico	114,182	23,168	District judge may convene 1 or more at any time - NM ST 31-6-1
Hawaii	112,209	3,668	Court shall order grand juries at such times as the public interest requires, provided that an annual initial impaneling occurs no later than Jan. 15 - HI ST 612-16
Oklahoma	110,209	44,191	Judge of the court shall determined the number of jurors necessary for jury services; grand jury shall be ordered by the court - OK ST T 38 s 20, 21

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Oregon	93,433	29,373	Judge shall direct a master jury list be prepared prior to the commencement of a jury service term - OR ST 10.225
Iowa	91,962	24,126	Shall be drawn when public interest requires as prescribed by the chief judge of the district court - IA R 2.3
New Hampshire	77,774	9,344	Shall be convened at the discretion of the court - NH 500-A:6, 600:1
Maine	71,218	-	May be convened by the superior court - ME R RCRP Rule 6
Kansas	57,866	19,933	A majority of the district judges in the district may order a grand jury be summoned whenever it is in the public interest; shall be summoned in any county upon petition bearing the signatures of a number of electors equal to 100 +2% of the total number of votes cast for governor in the county - KS ST 22-3001
Montana	52,247	-	Summoned whenever judge deems it necessary - MT ST 3-15-601
Massachusetts	51,940	5,617	Chief justice of the superior court may cause the grand jury to be assembled in any county at any place and time - MA ST 212 s 23
Rhode Island	42,283	5,499	All grand juries impaneled by the superior court; AG may apply to the court for the convening of an additional grand jury - RI ST 8-2-34, 12-11-3.1
North Dakota	39,962	6,785	District judge shall order that a grand jury be summoned whenever justice requires, or whenever requested by the board of county commissioners or by a certain number of qualified electors - ND ST 29-10.1-02
Alaska	39,414	6,300	Presiding superior court judge of judicial district shall convene the grand jury - AK R RCRP Rule 6
Wyoming	30,592	1,978	Summoned only when ordered by a judge of the district court - WY ST 7-5-101
South Dakota	28,410	5,797	Circuit court order required to impanel a grand jury - SD ST 16-13-21
Vermont	17,862	3,411	Jury commission shall summon grand jury to appear at any special or stated term - VT ST T. 4 s 959 May be called by court, state's attorney, AG, or the governor - VT R RCRP Rule 6

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Alabama	275,075	-	Counties with population < 50,000, at least 2/year; counties with a population > 50,000, at least 4/year - AL ST 12-16-190
Alaska	39,414	6,300	Presiding superior court judge of judicial district shall convene the grand jury - AK R RCRP Rule 6
Arizona	763,038	59,385	Counties with population < 200,000, called on the discretion of the judge or petition of the county attorney; Counties with population > 200,000, shall be called every 4 months - AZ ST 21-402
Arkansas	580,700	57,218	Circuit courts may call grand jurors from the same box as petit jurors, or may draw the names from a separate grand jury box or wheel - AR ST 16-32-201
California	1,724,310	272,255	Superior court shall order a grand jury drawn whenever public interest requires - CA PENAL 904
Colorado	187,796	40,492	Counties with populations < 100,000, called at the discretion of the court or upon motion of the DA; counties with population > 100,000, convened by the court at the first term of each year - CO ST 13-72-101
Connecticut	167,483	38,204	Superior Court may order a grand jury when necessary - CT ST 54-45
Delaware	402,491	-	Court shall order 1 or more be summoned at such time as public interest requires - DE R SUPER CT RCRP Rule 6
Florida	1,503,985	389,127	Chief judge shall request the selection of jury lists during the first week of January of each year - FL ST 40.02
Georgia	649,760	85,869	At the end of the judicial term, the superior court judge shall draw grand juror names for the next judicial term - GA ST 15-12-62
Hawaii	112,209	3,668	Court shall order grand juries at such times as the public interest requires, provided that an annual initial impaneling occurs no later than Jan. 15 - HI ST 612-16
Idaho	133,695	9,530	Shall be impaneled upon motion of the prosecuting attorney to the district judge, or by the court, if the public interest requires - ID ST 2-501, ID R RCRP Rule 6.1
Illinois	512,133	93,891	Counties with population < 1 million, shall be impaneled upon motion of the court or of the state's attorney; counties with population > 1 million, shall be convened on the first Monday of each month - IL ST 725 s 5/112-3
Indiana	307,275	76,113	Court may convene grand jury of own accord or at request of prosecuting attorney - IN ST 35-34-2-2
Iowa	91,962	24,126	Shall be drawn when public interest requires as prescribed by the chief judge of the district court - IA R 2.3
Kansas	57,866	19,933	A majority of the district judges in the district may order a grand jury be summoned whenever it is in the public interest; shall be summoned in any county upon petition bearing the signatures of a number of electors equal to 100 +2% of the total number of votes cast for governor in the county - KS ST 22-3001

50 State Survey - Grand Jury Information

Highlighted boxes indicate grand jury is required for felony indictments

State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Kentucky	251,252	-	Convened at least once every 4 months upon order of the chief circuit judge - KY ST 29A.210
Louisiana	364,760	56,634	Shall be impaneled 2x/year in each parish, except in Cameron parish in which 1 grand jury shall be impaneled/year - LA C. Cr. P. Art. 414
Maine	71,218	-	May be convened by the superior court - ME R RCRP Rule 6
Maryland	310,788	77,626	Each circuit court will have a written jury plan for selection and service - MD CTS & JUD PRO 8-201
Massachusetts	51,940	5,617	Chief justice of the superior court may cause the grand jury to be assembled in any county at any place and time - MA ST 212 s 23
Michigan	1,012,366	69,912	Shall not be drawn unless directed by the judge - MI ST 767.7
Minnesota	176,570	34,026	District court shall order one or more grand juries drawn at least 1x/year and whenever required by public interest - MN ST RCRP Rule 18.01
Mississippi	-	-	Unless otherwise directed, not more than 2/year - MS ST 13-5-39
Missouri	189,227	57,973	Upon order of the presiding judge, names of prospective grand jurors shall be randomly selected - MO ST 494.415
Montana	52,247	-	Summoned whenever judge deems it necessary - MT ST 3-15-601
Nebraska	141,814	8,878	Shall be summoned by the district courts on such day of a regular term as the district court may direct - NE ST 29- 1401 May be called by petition of the registered voters in the county - NE ST 29-1401.02
Nevada	156,489	11,787	District court judge may call grand jury whenever public interest requires, but at least once in each 4 years - NV ST 6.110 May be called by petition of registered voters in the county - NV ST 6.132
New Hampshire	77,774	9,344	Shall be convened at the discretion of the court - NH 500-A:6, 600:1
New Jersey	757,009	54,416	Shall be at least one grand jury serving in each county at all times - NJ ST 2B:21-1
New Mexico	114,182	23,168	District judge may convene 1 or more at any time - NM ST 31-6-1
New York	749,317	53,034	Appellate division of each judicial department shall adopt rules governing the number of terms for which grand juries shall be drawn - NY CRIM PRO 190.10
North Carolina	1,853,505	110,083	Presiding must order a grand jury to convene at any time - NC ST 15A-622
North Dakota	39,962	6,785	District judge shall order that a grand jury be summoned whenever justice requires, or whenever requested by the board of county commissioners or by a certain number of qualified electors - ND ST 29-10.1-02
Ohio	901,902	95,153	Shall be ordered by the court as public interest requires - OH ST 2939.03, 2939.17, OH ST RCRP RULE 6
Oklahoma	110,209	44,191	Judge of the court shall determined the number of jurors necessary for jury services; grand jury shall be ordered by the court - OK ST T 38 s 20, 21

50 State Survey - Grand Jury Information Highlighted boxes indicate grand jury is required for felony indictments			
State	Criminal Caseloads	Felony Caseloads	Frequency/Who May Convene a Grand Jury
Oregon	93,433	29,373	Judge shall direct a master jury list be prepared prior to the commencement of a jury service term - OR ST 10.225
Pennsylvania	553,290	-	May be convened by the attorney for the Commonwealth by the court - 42 PA C.S.A. 4543
Rhode Island	42,283	5,499	All grand juries impaneled by the superior court; AG may apply to the court for the convening of an additional grand jury - RI ST 8-2-34, 12-11-3.1
South Carolina	823,309	-	Court shall draw the succeeding term's grand jury members at the end of the prior term - SC ST 14-7-1510
South Dakota	28,410	5,797	Circuit court order required to impanel a grand jury -SD ST 16-13-21
Tennessee	173,196	88,033	Shall be impaneled at least 2x/year, at times selected by the presiding judge - TN ST 16-2-510, TN R RCRP Rule 6
Texas	2,565,242	276,939	Jury commissioners shall select grand jurors for the next term of court - TX CRIM PRO Art. 19.06
Utah	121,922	21,847	Panel of judges shall hear pertinent information and convene grand jury when necessary - UT ST 77-10a-2
Vermont	17,862	3,411	Jury commission shall summon grand jury to appear at any special or stated term - VT ST T. 4 s 959 May be called by court, state's attorney, AG, or the governor - VT R RCRP Rule 6
Virginia	1,163,226	128,934	There shall be a regular grand jury at each term of the circuit court of each county and city - VA ST 19.2-193
Washington	358,463	40,268	Shall be summoned by a majority of the judges at the superior court - WA ST 10.27.030
West Virginia	144,496	6,265	There should be a grand jury at each term of a circuit court and at any other time as required - WV ST 52-2-1
Wisconsin	144,501	33,581	Any judge may order the selection of a grand jury - WI ST 968.40
Wyoming	30,592	1,978	Summoned only when ordered by a judge of the district court - WY ST 7-5-101

February 7 2011

My name is Pat Hayes, I am the father of Keighley Alyea. As I am sure you are all aware, she was brutally murdered September 2009. Our family has suffered a tragic loss, and through the course of this, have been awakened to the procedures that follow such a horrible crime.

Our family had to sit through a preliminary hearing, with the doors open for the entire community to see. I am not particularly fond of the idea that anyone passing by could just stop in and see evidence presented, along with pictures of my daughters body that had been tossed aside. Anyone who had an extra half an hour could have just sat down to see what all the buzz was about.

In my opinion, in such a terrible crime, this should not be open to public forum. A sealed proceeding, without media and passers by, would have been much more appropriate.

In our case there are 3 defendants. So first we sit through a preliminary hearing (mini-trial), then there is the possibility of sitting through another 3 separate trials. All of which is open to the public and media.

Hopefully, there is a way to proceed on these cases, where it isn't so hard on the family.

James P Hayes