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Representative Humphries and members of the Committee:

Thank you for the opportunity to address House Bill 2131. I join the Kansas County and District Attorneys Association (KCDA) in expressing concerns about the bill's necessity and its potential to cause confusion in light of existing case law, statutes, and ethical rules. The changes proposed in HB 2131 are largely redundant, as current law already imposes the discovery requirements the bill seeks to codify.

Specifically:

Witness Endorsement & Discovery: K.S.A. 22-3212 already requires the State to endorse witnesses, and *Brady* and *Giglio* ensure the disclosure of exculpatory evidence, including that which may impeach a jailhouse witness. These obligations are further supported by the Kansas Rules of Professional Conduct (KRPC 3.8(d)) and by established case law.

Court Authority & Jury's Role: The district court already has the authority to compel disclosure of such material through a defendant's motion. Additionally, HB 2293 usurps the jury's role as the trier of fact by requiring pre-trial hearings to assess the reliability of jailhouse witness testimony, something traditionally left to the jury.

Existing Jury Instructions: Kansas law already requires jury instructions on the cautionary consideration of jailhouse informants, as outlined in PIK 51.100, which has been in place for decades.

Jailhouse Witness Database: The bill's creation of a KBI database for jailhouse witnesses seems unnecessary, given that the number of such witnesses is likely small. The resources required to create and maintain this database seem disproportionate to the actual need, especially in the absence of evidence suggesting that jailhouse informant testimony is a widespread issue in Kansas. Further, there are safety concerns for those willing to come forward with this information with a list like this, which we would not want to jeopardize anyone regarding this. We would hate for the list to be made to the public. Also, the fact that the list seems to be permanent also seems to have potential harm. In light of these concerns, I urge you to reconsider the proposed changes. While we are engaged in discussions with proponents of the bill in hopes of finding a resolution, I believe these measures are redundant and could create unnecessary confusion and administrative burdens.

Thank you for considering our concerns.

Sincerely,

Todd Thompson
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