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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: January 30, 2025
Subject: Bill Brief for HB 2131

House Bill 2131 requires prosecutors to disclose their intent to introduce testimony from a jailhouse witness and to forward related information to the Kansas bureau of investigation. The provisions of this act shall be known as the Pete Coones memorial act.

The bill would add a new section of law to the Kansas code of criminal procedure that requires a prosecuting attorney to disclose their 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. The prosecuting attorney shall provide to the defense the criminal history of the jailhouse witness, the jailhouse witness's cooperation agreement and any benefit that may result, the contents of statements 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 such statements, any information regarding the jailhouse witness recanting testimony or statements, and any information on other criminal cases in which testimony of the jailhouse witness was introduced or intended to be introduced. The court may extend the time for the prosecutor to comply with the provisions of this section if the jailhouse witness was not known or the information could not be discovered or obtained in time. If the court finds that disclosing the information described above is likely to cause bodily harm to the witness, the court may order that such evidence be viewed only by defense counsel and issue a protective order.

Each prosecuting attorney's office shall maintain a central record containing information on any case in which testimony by a jailhouse witness is introduced or is intended to be introduced and any benefit associated with the testimony. The prosecuting attorney's office shall forward the information to the Kansas bureau of investigation (KBI). The KBI shall maintain a statewide database that is only available to prosecutors and otherwise confidential.

If a jailhouse witness receives any benefit in connection with offering or providing testimony, the prosecuting attorney shall notify any victim connected to the criminal prosecution. Subsection (d) provides definitions of "benefit" and "jailhouse witness" for use in this section. "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. "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.

The bill would take effect from and after publication in the statute book, July 1, 2025.