



STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

STEPHEN M. HOWE, DISTRICT ATTORNEY

March 10, 2025

House Judiciary Committee
Attention: Chair Susan Humphries
State Capitol, Room 582-N
Topeka, Kansas 66612

Re: House Bill 2389

Chair Susan Humphries and members of the House Judiciary Committee,

Thank you for the opportunity to submit our written response in support of HB2389.

This bill codifies what existing data tells us regarding sex offenders. That their propensity to reoffend is greater than other criminal conduct. Coupled with the serious nature of the crimes, it provides guidance to the court when making decisions regarding bond.

I worked on the Sexual Assault Kit Initiative in Kansas (SAKI), which eliminated the backlog of untested sexual assault kits in Kansas. As we began to identify these individuals, we also began to compile their criminal history to determine their likelihood of reoffending. The offenders identified during the testing of these kits had left a swath of damage across their communities. 42% of these offenders committed other sex offenses. 93% of them committed other crimes. In 2018 the Department of Justice outlined the recidivism rates of sex offenders. This data showed that 35 – 40 % of convicted sex offenders committed new sex offenses or other violent crimes. Child victim cases showed the highest propensity to reoffend.

This bill requires the Court to consider the prior offenses when considering bond. While the Court can already take this into consideration, this language would modify it from discretionary to mandatory as part of the Courts decision making process on bond.

The offenses listed in this bill are some of the most serious criminal offenses under our current sentencing guidelines. Coupled with the high recidivism rates for these crimes, it would only enhance the public safety of our fellow Kansans.

The fiscal note by OJA is not an accurate statement of any costs associated with this bill. The Courts would incur no additional expenditures by this bill. I have been a prosecutor for 34 years in two different jurisdictions. I can tell you with absolute certainty that the Court has not and would not expend any resources investigating prior offenses. That is handled 100% of the time by the prosecutors and law enforcement and is done prior to the first appearance. At a first or second appearance the Court will ask the prosecutor for information related to the defendant's criminal history. The prosecutor will then advise the Court of the information they have at that time. There would be no financial cost to the Courts.

I ask you to pass this bill and codify the importance of prior criminal sex offenses when considering bond for these serious sex offenses. It will help protect the people of Kansas from these dangerous predatory offenders.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen M. Howe", is written over the printed name.

Stephen M. Howe
Johnson County District Attorney