

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
(785) 296-7696
laura.williams@house.ks.gov



LAURA WILLIAMS
30TH DISTRICT

DISTRICT ADDRESS
P.O. BOX 14871
LENEXA, KS 66285

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Madame Chair Humphries and members of the committee:

I am testifying as a proponent for House Bill 2389. This legislation was crafted to address the issue of allowing the judge to take into consideration previous convicted offenses of sex crimes when setting bail. This piece of legislation is necessary to ensure the safety not only of the victim of the sex crime but also the community. Today, I am going to share a private citizen's testimony on why this piece of legislation is important to her and advocate on her behalf for a change in policy in the state of Kansas.

“In November 2024 at the age of 71, I was attacked in my home by a rapist. Thanks to the around-the-clock efforts of the Overland Park Police, the Wyandotte County SWAT and the FBI (about 75-100 public servants) he was caught 36 hours later and arraigned in Johnson County Court the next day. He was charged with one count of rape, two counts of aggravated sodomy, one count of burglary and theft. I am told that only 20% of the assaults are stranger/random like this one was.

He was apprehended as a result of the DNA that was found from my rape kit. The Johnson County Crime lab also worked around the clock and his DNA hit as a previously convicted sex offender. He is 37, from NY City originally where at the age of 17 he was convicted and served time in prison for attempted rape of an 11 year old girl.

During his arraignment he was given a \$750,000 bond. I was told that Kansas law requires the judge to issue bail. I would like to change that law to allow the judge at her/his discretion to withhold bail to anyone who has been previously convicted of rape and sodomy.

Now, even though my head told me that he would never make bond because he was previously convicted, was a flight risk, had no assets and other things, at the time (just three days) after the attack my whole being was traumatized again by the thought that he could get out.

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No one involved at that time knew one way or the other if he had a wealthy relative back in NY. Additionally, no one at the time knew that he had said he has AIDS and if it was true or not. By the way he does have AIDS and as far as I am concerned even with today's science that makes him a walking potential murderer.

I believe that bail should be denied to anyone who has been previously convicted of the crime of rape or sodomy. I urge your support of HB 2389."

With this testimony and proposed legislation to consider, the current proposed legislation does not offer denying bail for first appearances for certain prior convictions, but is giving discretion for judges to consider prior convictions in setting bail and conditions for release.

Included in my testimony is new proposed language that would also amend the same statute K.S.A. 22-2802 that adds additional language to that statute.

(16) No bond shall be set at a person's first appearance whose record of convictions indicates a non-drug offense criminal history score of A, B, C or D, and whose first appearance complaint includes one or more I, II or III severity level offenses. The delay in determining the amount of bond, or whether setting a bond is appropriate, is to allow the County or District Attorney an opportunity to provide the Court at the person's second appearance with more information concerning the person's underlying prior conviction(s).

Thank you for your time and consideration on this issue and I look forward to working with shareholders to craft legislation that solves these issues of crime to protect victims and our community.

Laura Williams

Representative Laura Williams