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To: Chairwoman Humphries and the House Judiciary Committee

From: City of Overland Park

Date: March 12, 2025

Re: Support of HB 2389 (Written)

Thank you for allowing the City of Overland Park to submit this testimony in support of House Bill 2389 which would amend K.S.A. 22-2802. This amendment would require magistrates to consider prior convictions of certain sex crimes when setting the amount of an appearance bond and conditions of release for a defendant if they are charged with certain sex crimes.

Bond conditions that prohibit contact with the victim do not guarantee a victim's physical or psychological safety. As such, the knowledge that the offender will remain in custody allows victims to begin to recover from the trauma caused by the offender. Part of that recovery can involve victims actively engaging in the criminal justice process. If a victim does not feel safe and is not physically protected from further harm by the offender, the victim may choose to no longer participate in the criminal prosecution.

This individualized approach to setting bail and taking into account the defendant's prior convictions, for what are the most heinous acts that a person can commit against another person, is to be commended. Survivors of sexual assault are often re-traumatized on a daily basis by the memories of their assault, and often exasperated by the fear of the attacker returning. By looking at the defendant's history and propensity to recommit these crimes before setting a bond and releasing them, the courts can do what they can to alleviate these fears.

Thank you for allowing the City of Overland Park to submit testimony in support of HB 2389.