

## Written Testimony in Support of HB 2389

TO: The Honorable Susan Humphries, House Judiciary Committee Chair  
The Honorable Members of the House Judiciary Committee

FROM: Ed O'Malley

DATE: March 6, 2025

RE: Testimony in Support of HB 2389

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Chair Humphries and Members of the Committee:

Thank you for the opportunity to submit testimony regarding HB 2389. My name is Ed O'Malley, and I previously served in the Kansas House of Representatives, including as a member of the Corrections and Juvenile Justice Committee. I appreciate the opportunity to speak in support of this legislation, which seeks to ensure individuals with a history of violent sexual offenses are not automatically granted bail upon their first appearance.

Earlier this year, a dear friend and mentor of mine was brutally attacked in her home by a convicted sex offender. Due to the swift work of law enforcement, the suspect was apprehended within 36 hours. DNA evidence confirmed his identity as someone previously convicted of an attempted rape. Yet, despite this violent history, Kansas law required the judge to issue bail. That meant my friend—just days after surviving a horrific assault—was forced to grapple with the very real fear that he could be released. That should not happen.

HB 2389 is a necessary and measured reform. It does not eliminate judicial discretion but rather provides an opportunity for prosecutors to present a defendant's criminal history before a bond determination is made. This is particularly crucial in cases involving repeat offenders with prior convictions for violent sexual crimes. When an individual has already demonstrated a willingness to commit acts of sexual violence, public safety—and the well-being of victims—must take precedence.

In my time serving in the Kansas Legislature, I had the opportunity to work on criminal justice issues. I understand the balance that must be struck between constitutional rights and public safety. HB 2389 strikes that balance appropriately. It allows courts to make better-informed decisions and ensures that those who have previously committed the most serious of crimes are not automatically granted the opportunity to walk free while awaiting trial for new offenses.

For survivors of sexual violence, the trauma does not end when the crime itself is over. The justice system must recognize that reality and do everything possible to prevent additional harm. HB 2389 is a step in the right direction, and I urge the committee to support its passage.

Thank you for your time and consideration.