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EIGHTEENTH JUDICIAL DISTRICT**

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**Testimony Regarding SB 204
Submitted by Marc Bennett, District Attorney
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Honorable Chairwoman Warraen and members of the Senate Judiciary Committee, thank you for the opportunity to offer support for SB 204.

This bill is intended to correct two issues created when the State Court system went to the new records management system, Odyssey, over the past few years. Namely, arrest warrants are now public before they are served, which poses a public safety risk to the officers serving those warrants and vicariously, the public in the event the suspect prepares and resists; and subpoenas are public, including personal identifying information contained in those subpoenas.

SB 204 corrects these issues first, at page 1, lines 8-13, which seeks to amend K.S.A. 60-2617(a)(1) as follows:

Upon filing of a criminal case or a case pursuant to the revised Kansas juvenile justice code in which an arrest warrant is being sought, the case shall be sealed by the court until such warrant has been executed or the request for such warrant is denied. Nothing in this paragraph shall prohibit disclosure of case or warrant information to law enforcement for the purposes of executing such warrant.

This is necessary to be consistent with K.S.A. 22-2303(c)(1), which already reads, “*For a warrant or summons executed on or after July 1, 2014, affidavits or sworn testimony in support of the probable cause requirement of this section shall not be open to the public until the warrant or summons has been executed.*” This is a common-sense rule that has been in place for years to protect the safety of officers responsible for executing arrest warrants.

Second, at page 1, lines 14-17, K.S.A. 60-2617(a)(1) would be amended as follows

All subpoenas issued in a criminal case or a case pursuant to the revised Kansas juvenile justice code shall be sealed by the court and a subpoena shall only be unsealed if the court makes a finding that unsealing such subpoena is in the interest of justice.

Subpoenas contain the address and enough personal identifying information to allow law enforcement to find and serve the warrants. When a subpoena for bank records or medical records is issued, those documents likewise must be detailed enough for the records custodian at the hospital or bank to respond appropriately. That information (bank account numbers, personal addresses, etc) should not be publicly available.

Third and finally, subsection (3) would make the changes retroactive to ensure the fixes to the concerns addressed above apply across the board.

SB 204 proposes a modest and arguably technical change to state statute but one that has the potential to enhance public safety.

Thank you for your time and consideration.

Respectfully submitted,

Marc Bennett
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Eighteenth Judicial District