



**Senate Judiciary Committee
March 17, 2025**

**Senate Bill 116
Testimony of the BIDS Legislative Committee
Presented by Clayton Perkins
Proponent**

Chairperson Warren and Members of the Committee:

SB 116 provides for express disclosure requirements when the prosecution utilizes a jailhouse witness, and establishes mechanisms for prosecutors to fulfill those requirements. This is an important step forward in providing a more reliable, transparent, and fundamentally fair criminal justice system for all Kansans. I would like to highlight a couple of ways SB 116 accomplishes this task.

First, SB 116 makes the disclosure requirements upon the prosecution abundantly clear. This is important because certain constitutional disclosure requirements under *Brady v Maryland* may be otherwise overlooked because of a lack of clarity. For example, an express cooperation agreement, such as a plea deal with the jailhouse witness, is typically disclosed. However, prosecutors and defense counsel may disagree what else qualifies as a benefit under the law, leading to required disclosures being overlooked. This bill helps clearly define what those benefits are, and provides prosecutors with clear guidance to make those required disclosures.

SB 116 also helps the prosecution fulfill those disclosure requirements by directing prosecutor's offices to maintain a centralized tracking system for identifying repeated jailhouse witnesses. Right now, without such a tracking system, it is possible that prosecutors may not even know if a jailhouse witness they are relying upon has repeatedly provided unreliable testimony as a jailhouse witness in other cases. This bill provides a way for prosecutors to have access to that information, better assess the reliability of the jailhouse witnesses they seek to use, and fulfill their constitutionally mandated disclosure requirements.

For these reasons, the BIDS Legislative Committee supports SB 116.

Thank you for your time and consideration,

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