



Kansas County & District Attorneys Association

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TO: Chairwoman Warren of the Senate Judiciary Committee  
FROM: Sherri Schuck, Deputy District Attorney for Shawnee County  
RE: Opponent Testimony for SB 116

Good Afternoon Chairwoman Warren and Members of Committee:

My name is Sherri Schuck. I serve as a Deputy District Attorney in the Shawnee County District Attorney's Office. I am also a member of the KCDAAs executive board.

Although I am here in opposition of SB116, I would first express my deepest regrets to Mr. Coones. What happened to him was horrific and tragic and it is tempting to believe that a bill such as SB 116 would prevent something like this from happening again, but the truth is that is not the case. Even if this bill had been in effect at that time, the outcome for Mr. Coons would not have been different because the prosecutor in that case did not follow the law.

I am opposed to SB 116, primarily because the fundamental principles that SB 116 seeks to address—disclosure of benefits to witnesses, the reliability of testimony, and the ethical responsibilities of prosecutors—are already thoroughly governed by the U.S. Constitution, Kansas state law, and the rules of prosecutorial ethics.

When you start to break SB 116 down prosecutors are already required to comply with these mandates. Prosecutors always have to disclose their witnesses and the content of their testimony. *Brady v. Maryland* (1963) and its progeny already require prosecutors to disclose any exculpatory or impeachment evidence, including benefits or leniency offered to witnesses. Kansas law provides clear discovery obligations for prosecutors regarding witness credibility. The Kansas Rules of Professional Conduct require prosecutors to act with integrity, ensuring that unreliable testimony is not knowingly introduced. SB 116 does not fill a legal gap. Instead, it imposes unnecessary and burdensome obligations that go beyond what is required for fair trials.

SB 116 also purports to create a different class of “witness.” SB 116 would have jail house witnesses be a class of witness whose criminal history, regardless of connection to the defendant/suspect’s case would be accessible to the defendant/suspect beyond convictions of veracity.

Prosecutors receive regular requests from incarcerated individuals offering information in exchange for benefits. SB 116 would require prosecutors to catalog and maintain records of every

such request, regardless of whether it has any merit. It would require law enforcement agencies to track and maintain records on every inmate who ever made a self-serving claim, further complicating investigations. The bill does not distinguish between credible witnesses and baseless jailhouse gossip, forcing the justice system to treat unreliable statements as if they were valid. While a handful of states have enacted legislation in this area **none of them have a requirement to document requested benefits by an incarcerated witness.**

Given the impracticality of tracking every unverified jailhouse claim, this bill would open the door to technical violations where good-faith prosecutors and law enforcement officials are penalized for failing to meet impossible record-keeping requirements. This could lead to unnecessary litigation, suppressing evidence not because it is unfair but due to bureaucratic missteps. Meanwhile, the actual goal of ensuring fair trials and preventing wrongful convictions is already met through existing laws and ethical rules. SB 116 does not improve justice; it only adds unnecessary procedural hurdles that will complicate legitimate prosecutions without providing meaningful protections. SB 116 is a well-intentioned but unnecessary and impractical bill. It creates an undue administrative burden, forces prosecutors to maintain unworkable records, and duplicates protections that already exist under constitutional law, state statutes, and ethical guidelines.

The KCDA and prosecutors across the State believe strongly in honesty and character, doing what is right and following our mandates and ethical obligations and are dedicated to ensuring that what happened to Mr. Coones NEVER happens to another defendant.