



COUNTY ATTORNEY'S OFFICE

Barry R. Wilkerson

Riley County Attorney

Carnegie Building
105 Courthouse Plaza
Manhattan, Kansas 66502-0106
Phone: 785-537-6390
Upstairs Fax: 785-537-6334
Downstairs Fax: 785-565-6896

Testimony in Support of Senate Bill 358

Submitted by Barry Wilkerson, Riley County Attorney

Twenty First Judicial District

Chairwoman Kellie Warren and Members of the Senate Judiciary Committee

Honorable Chairwoman Warren and members of the Senate Judiciary Committee thank for the opportunity to offer testimony in support of Senate Bill 358.

My name is Barry Wilkerson; I have been a prosecutor for 35 years, beginning my career in August of 1990. I am the current Riley County Attorney, a position I have held since January of 2005. I have dedicated a significant percentage of my career prosecuting both adult and child sex crimes as well as crimes involving domestic violence.

Senate Bill 358 is an attempt to address an issue that arose in August of 2025 following the prosecution and conviction of Clark Peterson on multiple sex crimes. Specifically, Peterson was convicted of 4 counts of rape level 1 person felonies; 1 count of attempted rape a level 3 felony, 1 count of attempted aggravated criminal sodomy, 40 counts of aggravated sexual battery, level 5-person felony; and 5 misdemeanor sex offenses. Following his conviction, the state sought the revocation of the defendant's bond, however the court denied the request. In fairness to the presiding trial judge, the following day, after the departure hearing, the defendant, Clark Peterson's bond was revoked.

Senate Bill 358 is an appropriate response to a reality that many sexual assault victims struggle with following a trial or conviction when the offender is not in custody. The fear of reappraisal by the offender or an apprehension that the justice system will not protect them from harm is frequently experienced by victims.

This concern was present in the first rape case I prosecuted in May of 1992. Following a guilty verdict, the defendant was making efforts to post bond prior to his sentencing. The victim was concerned the now convicted assailant would harm or

attempt to harm her or flee the jurisdiction prior to sentencing. In either scenario, the victim was going to look over her shoulder constantly, concerned about the assailant's whereabouts. The Riley County Attorneys Office under William Kennedy at that time, housed the victim in local hotel to alleviate her fears. In my 34 years with victims of sexual assault and domestic violence, this is common if not a universal fear. Where is he? I am safe?

Victims of these sexual assault crimes have layers of apprehension. "How will they, the victims be treated by the criminal justice system"; "will my assailant get out and track me down because I reported it to the police and harm me or a family member", and "how long will I have to live in fear, looking over my shoulder". These are just a couple that every victim I have encountered in 34 years has relayed to me.

Senate Bill 358 addresses an issue overdue for attention. A sexual assault victim, or a victim of a violent crime resulting in the offender being convicted of presumptive incarceration crime, should leave the court room with the knowledge that the offender, whose presumption of innocence is gone, will be remanded to custody.

Whether convicted by plea or by a jury, victims of level 1-4 person felonies should be given the reassurance that the criminal justice system is conscientious in protecting victims from physical as well as emotional harm. When an assailant enters a plea to an off-grid or severity level 1-4 person felony, his or her presumption of innocence has been vanquished with the conviction.

The Kansas and United States Constitutions go to great lengths to protect the accused beginning with the presumption of innocence. However, once the assailant is convicted, the presumption no longer applies and the offender's presumptive sentence, for an off-grid or level 1-4 person felony is incarceration. At this point, the focus should be on providing victims both the respect and peace of mind that the defendant will be incapable of causing them harm.

Respectfully submitted



Barry Wilkerson

Riley County Attorney