

Senate Judiciary Committee
February 4, 2026
Senate Bill 358
Testimony of Grace Tran, Criminal Defense Attorney
Opponent

Chairperson Warren and Members of the Committee:

Senate Bill 358 would enact a blanket policy that requires judges to revoke a person's bond after they are convicted of certain crimes, regardless of their individual circumstances. I oppose this bill because it would take away the discretion of judges to consider the circumstances of individual defendants when making post-conviction bond decisions.

In the last several weeks, committees of this body have heard several bills, including this one, that would curtail the discretion of Kansas judges and instead impose blanket policies.¹ This bill would prohibit Kansas judges from allowing a person to continue on bond if they are convicted of certain crimes, with no exceptions. I believe that these kinds of blanket policies are not good policymaking.

Under current law, a judge has to make a finding that "the conditions of release will reasonably assure that the person will not flee or pose a danger to any other person or to the community"² before releasing someone on bond who has been convicted of a crime. This allows the judge to consider the individual circumstances of a defendant and the safety needs of the community. SB 358 would take away that individualized decisionmaking.

While this bill applies to crimes that carry presumptive prison sentences, that doesn't always mean someone convicted of those crimes will go to prison. For instance, a person could enter into a plea agreement to plead to one of these crimes if the prosecutor agrees to recommend a dispositional departure to probation. In that case, it may not make sense for the defendant to have to go to jail pending sentencing. Or, if a defendant had been released pretrial with no issues, it may make sense for them to be allowed to get their affairs in order before sentencing. In fact, data available through the Kansas Sentencing Commission's dashboard suggest that more than 20% of people convicted of non-drug, severity level 1-4 crimes are granted probation, and that percentage is even higher for people convicted of the drug offenses targeted by this bill.

Ultimately, these questions are best left to our judges, who can consider an individual defendant's circumstances when making the decision to release them before sentencing. For these reasons, I respectfully ask this Committee not to pass SB 358. Thank you for your time and consideration.

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¹ HB 2527, HB 2444, HB 2611 (hearing scheduled for Wednesday, February 3, 2026 in House Judiciary)

² K.S.A. 22-2804(1)