



March 6, 2024

House Committee on Corrections & Juvenile Justice  
Rep. Stephen Owens, Chair  
Kansas State Capitol  
300 SW 10<sup>th</sup> Street  
Topeka, Kansas 66612

RE: Testimony in opposition to SB 318

Chairman Owens and Committee Members,

Thank you for allowing the City of Lenexa to submit testimony in opposition to the audio and video recording review mandate set forth SB 318. Annually, Lenexa's municipal court sees over 6,500 cases. The audio and video recording review mandate would create an unnecessary review burden on city attorneys statewide and impede their ability to provide fair, efficient, professional, and effective service to all persons within the municipal court system.

As written, the proposed changes to K.S.A. 12-4410 contained in SB 318 would require a city attorney to review all audio and video recording submitted by an accused person or their counsel. The bill attempts to limit the burden by including the language, "relevant to the case," but this clause is vague and meaningless. To determine if something is relevant, it will need to be reviewed. Practically speaking, pursuant to the bill's language everything submitted to a city attorney in a municipal court case would need to be reviewed to determine its relevance. "Relevant to the case" includes a wide range of recordings and is ripe for abuse by defendants who could submit unlimited audio and video recordings; and the city attorney would have no discretion but to review all of them – regardless of whether they end up being relevant. The City's municipal court system already deals with defendants who file hundreds of pages of irrelevant documents in traffic citation cases in the hope that the City will simply dismiss their case. SB 318, through its mandate, will only increase the burden on city attorneys and negatively affect their ability to fairly, efficiently, professionally, and effectively handle cases.

Finally, SB 318 is unnecessary because city attorneys already must follow the ethical requirements set forth in the Kansas Rules of Professional Conduct. The Rules preserve the public trust that attorneys guard and protect the role of justice in our society. When prosecuting a case in municipal court, a city attorney has the responsibility to seek justice and not simply advocate on behalf of the City. This responsibility includes the obligation



to ensure that each defendant is accorded procedural justice, and that guilt is decided upon the basis of sufficient evidence, which would include disclosing and reviewing all relevant evidence. Failure to do so may result in discipline. As such, there is no need for the audio and video recording review mandate set forth in SB 318.

The recording review mandate in SB 318 will provide a tool for defendants to further burden the municipal court system and inevitably reduce a city's ability to provide a fair, efficient, professional, and effective municipal court. We therefore request that SB 318 not be approved.

Respectfully submitted,

/s/

Sean McLaughlin  
City Attorney

Cc: Members, Lenexa City Council  
Julie Sayers, Mayor  
Rebecca Yocham, City Manager