

March 9, 2025

Dear Chairperson Humphries and Members of the House Judiciary Committee,

I am submitting written testimony in **support of HB 2389**. Data from the Center for Disease Control shows that one in four women have experienced completed or attempted rape. A new report from the United Nations shares that cases of conflict-related sexual violence have increased by 50% since 2022.

Unfortunately, I have women in my life who are a part of these statistics. Recovery from rape and sexual assault can take years. Supporting survivors of sexual assault, battery, and rape with enhanced protections regarding bail and release prior to trial is vital for their safety and recovery. **Especially when the defendant has been previously convicted of a similar crime.**

HB 2389 would ensure that a defendant charged with rape, as described in K.S.A. 21- 5503, and amendments thereto, criminal sodomy or aggravated criminal sodomy, as described in K.S.A. 21-5504, and amendments thereto, sexual battery or aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506 **who has already been convicted of similar crimes, has those previous convictions taken into consideration when setting the amount of an appearance bond and conditions of release for a defendant if they are charged with certain sex crimes.**

I ask that you support and pass this bill.

Thank you,

Julie Brewer
Overland Park, KS

March 7, 2025

House Judiciary Committee
Kansas Capitol Building
300 W 10th Street, Room 519-N
Topeka, KS 66603

RE: Support for HB 2389

Dear Chair Humphries and Members of the Committee:

As a resident of the State of Kansas, please accept this letter in support of HB 2389, the “Bail Bond” bill.

Last year, my family member's aunt was brutally attacked in her home by a convicted sex offender. The suspect was taken into custody where DNA evidence confirmed his identity as someone previously convicted of an attempted rape. Yet, despite this violent history, Kansas law required the judge to issue bail. That meant my family member's aunt was faced with the fear that her attacker could be released, just days after the violent assault. This should not happen.

HB 2389 does not eliminate judicial discretion, but instead provides an opportunity for prosecutors to present a defendant's criminal history before a bond determination is made. This is particularly crucial in cases involving repeat offenders with prior convictions for violent sexual crimes. When an individual has already demonstrated a willingness to commit acts of sexual violence, public safety—and the well-being of victims—must take precedence. HB 2389 allows courts to make better-informed decisions and ensures that those who have previously committed the most serious crimes are not automatically granted the opportunity to walk free while awaiting trial for new offenses.

For survivors of sexual violence, the trauma does not end when the act of their crime is over. The justice system must recognize that reality and do everything possible to prevent additional harm. HB 2389 is a step in the right direction, and I urge the committee to support its passage.

Thank you for your time and consideration.

Sincerely,
Tina Conger

March 6, 2025

House Committee on Judiciary
Legislature of the State of Kansas
300 SW 10th Avenue
Topeka, KS 66612

Dear House Judiciary Chair and Committee Members:

I am writing to support, with full conviction, the passage of HB 2389 (Bail Bond Bill). I am compelled to write in support of its expeditious passage, in part, based upon a tragic crime that befell a tremendous friend and longtime leader of our region and state. I am also writing in support of this legislation as a husband, father to two daughters, and son to an amazing 83-year-old woman.

It defies credulity that a repeat, convicted offender of sexual violence against a woman—or any persons, for that matter, can make bail. This must be amended. Your committee, the legislature, and our governor can correct this wrong.

Please act with expediency and pass HB 2389 into Kansas law. Thank you for your consideration.

Sincerely,

Tim Cowden

March 6, 2025

Ladies and Gentlemen,

We are writing in support of the passage of HB 2389. As residents of Overland Park as well as the parents of a daughter, two daughters in law, and a granddaughter, we can only imagine the trepidation they would feel if they were the victim of sexual assault or rape. And that would be exponentially compounded if the accused perpetrator would set free on bail pending the trial. He would be motivated to attack and silence his accuser. That would leave the victim vulnerable and living in fear.

We implore you to support passage of HB 2389.

Thank you!

Charles D. Dalton

Patricia A. Dalton

I am submitting a statement in support of HB 2389. In no way should a convicted sex offender who has previous rape convictions ever be let out on bail if caught a second time. The rape victims are traumatized enough by their attack and allowing a previous convicted sex offender to go out on bail is completely unacceptable. We need to crack down harder on these criminals.

Essie Davis

3/11/2025

TO: CHAIRMAN Humphries and Committee Members

In November 2024, a friend of mine was attacked in her home by a rapist. He was apprehended sometime later due to a DNA hit from a previous sex offender conviction. Subsequently, he was given a \$750,000 bond, due to Kansas law.

I am writing to show my support to change the law that requires a bond be set for this type of crime, to allow the judge at her/his discretion to withhold bail to anyone who has been previously convicted of rape and sodomy. Any victim should not have to worry about whether that rapist would get out and come back to harm her again.

I urge your support of HB 2389.

Thank You

Nancy Davis

Johnson County, KS

March 7, 2025

Dear Chair Humphries,

I understand HB 2389 will receive a hearing in your committee next week. I would like to encourage your committee's support for this bill. Individuals will be offering personal testimony as to the need for this legislation. Consistent with testimony you will hear, I support Judicial discretion on bail where a prior conviction exists, especially in the case of an earlier rape conviction. Since it is hard to imagine all the possible situations, the bill allows for the judge to take the full context into consideration, rather than having to offer bail. I urge your support.

Thank you.

Dave Dillon
Mission Hills, KS

Dear Chair Humphries and Committee Members:

I am writing this letter in support of HB 2389, the "Bail Bond" bill which I believe will reduce greatly the fear and anxiety that victims of sexual assault experience. My stepdaughter's aunt was sexually attacked multiple times, and fortunately the rapist was caught. He was arraigned and given a \$750,000 bond. Previously, he was convicted and served time for the attempted rape of a young girl. It was bad enough that my stepdaughter's aunt had to endure the attack, but with the man allowed to have bail, she had to worry about him being free! I believe that bail should not be granted to anyone who has previously been convicted of rape or sodomy. As a resident of Kansas, I urge you all to support HB 2389.

Respectfully,

Jane E.

March 10, 2025

Dear Chain Humphries and Members of the Committee,

I'm writing this in support of HB 2389. Every 68 seconds someone is sexually assaulted in the United States. We should not have to live looking over our shoulder when our attacker is set free shortly after being arrested. The anxiety and mental frustration someone goes through. The hours of therapy and just hoping that one day you can feel normal again.

My question to you is. If they have been previously convicted of the same crime that they have just committed, why are we even allowing there to be an option for bail?

Thank you for your time.

Megan Ekstein

I am writing in support of passage of HB 2389, allowing for judges to consider prior convictions for rape, sodomy or sexual battery in assessing whether to allow bail or the amount of bail for similar crimes.

This issue came to my attention after a friend was sexually assaulted in Kansas by a stranger in her home at age 71. The offender was caught, and bail was allowed without consideration for a prior rape and sodomy conviction in another state.

These crimes are serious violent crimes with significant mental health impact on their victims. The risk of recidivism and retribution on victims is high. There is a significant public interest in keeping offenders in jail pending trial or plea if the offender has a history of similar criminal acts. I urge you to support passage of this bill.

Thank you for your consideration.

Stacie Gram

Chair Humphries and House Judiciary Committee,

Subject: PRO.HB2389.Green.03.12.2025

I am writing in support of HB 2389 which would allow a judge to withhold bond in cases of repeat offenders of rape or sodomy.

Rape and sodomy are heinous crimes. I have personally witnessed the impact of this crime on my friend. The crime itself has negatively impacted her for life but when she learned the suspect was given bond as required by Kansas law it further impacted her loss of security and safety in her home and the community. A repeat offender should not be allowed back in the community unless found innocent.

This crime also had an impact on the safety and security of her friends. Many, including myself, added alarm systems and other security measures to their homes. Residents of Kansas deserve to be safe at home, work and in their communities. Repeat offenders charged with rape have already demonstrated a pattern of criminal behavior. Granting them bond creates a dangerous opportunity for re-offense, witness intimidation, or flight from prosecution.

Survivors of sexual violence often live in fear of retaliation from their perpetrators. When an accused repeat offender is released on bond, victims may be discouraged from testifying, and potential victims remain at risk. A legal framework that allows judges to detain repeat offenders in these serious cases helps to ensure that survivors feel safe coming forward and that justice is served.

This legislative change is a necessary step in prioritizing victim protection and community safety. By giving judges the authority to withhold bond for repeat offenders charged with rape, we take a stand against sexual violence and reinforce public trust in our legal system.

I urge you to support this critical reform and vote yes on forwarding HB2389 to the Full House.

Regards,

Cindy Green

LEWIS A. HEAVEN, JR.
6201 COLLEGE BOULEVARD, SUITE 500
OVERLAND PARK, KANSAS 66210
913.327.5166
pheaven@spencerfane.com

March 7, 2025

VIA ELECTRONIC MAIL

Kansas House Judiciary Committee

Re: HB 2389

Honorable Members of the Committee:

Thank you for considering my testimony in favor of House Bill 2389.

My name is Lewis A. Heaven, Jr., but most people call me Pete. I have been a practicing attorney in Johnson County, Kansas for over 40 years.

I had the honor of serving on the Board of Directors of Safehome in Johnson County, Kansas for a number of years. Safehome was founded in the 1980's and its mission is to provide shelter, food, counseling and essentials to victims of domestic abuse. During my tenure on the Board and my term as president of the organization, I learned that violent crime can be a horrific circle resulting in a victim being repeatedly assaulted in successive crimes – the most significant way to end that circle is to establish bond that will either secure or deter the perpetrator. To establish an appropriate bond, and in fairness to the victim(s), time must be taken to fully consider the perpetrator's past and propensity to commit further violence.

House Bill 2389 will provide the necessary time for meaningful bond recommendations and protect the public from recurrent crime. I respectfully request that you support House Bill 2389. Thank you.

Very truly yours,


Lewis A. Heaven, Jr.

To Whom It May Concern:

I am writing in support of HB 2389 which, if passed, will prevent those accused of sexual assault or rape from receiving bond after they are charged and while they await trial. It is vitally important that the victims of rape and sexual assault be protected from retribution as the criminal trial proceeds. Anyone who has previously been convicted of rape or sexual assault would be highly motivated to seek revenge against his accuser. This leaves the victim vulnerable for the entire duration of the proceedings.

I strongly urge you to support passage of HB 2389.

Colleen Hernandez

March 8, 2025

House Judiciary Committee
Kansas Capitol Building
300 W 10th Street, Room 519-N
Topeka, KS 66603
RE: HB 2389

Dear Chair Humphries and Members of the Committee,

Please accept this letter in support of HB 2389, the “Bail Bond” bill. The victim's journey in healing from horrific attacks have been disrupted by a system that does not consider their safety and wellbeing. They should not be further traumatized by a system that automatically grants bail to historically violent sex offenders. I strongly urge you to support the passage of this bill so all survivors of sexual violence can begin the long road of healing without the fear and anxiety of coming face to face with their attackers.

Sincerely,

Rachel Hutchason

March 9, 2025

House Judiciary Committee
Kansas Capitol Building
300 W 10th Street, Room 519-N
Topeka, KS 66603

RE: HB 2389

Dear Chair Humphries and Members of the Committee,

I am writing to express my approval and support of HB 2389, the "Bail Bond" bill. The 71-year-old aunt of a dear friend was attacked in her home by a convicted violent sex offender. I believe that "We, the people", need to do everything we can to help guarantee the safety and well-being of the survivor(s) of such dehumanizing acts of violence. I believe this bill will help the survivors on their long journey to recovery.

Please support the passage of HB 2389.

Sincerely,

Amanda K.
Manhattan, KS

Madame Chairperson and members of the Committee,

I wish to express my support for HB2389. Current Kansas law requires persons charged with violent rape and sodomy to be given bail privileges even if they have prior convictions for the same crimes. In many cases this is correct and in keeping with our valued tradition of innocent until proven guilty. However, just the possibility such a person might make bail instills incredible fear into the minds of victims during the period before trial. With little to lose and facing a likely long prison sentence, will he strike someone else or the accuser again? HB 2389 makes it possible for a judge to conclude that the risks of allowing the accused person the possibility of making bail, even with past convictions for the same crimes, sometimes with powerful DNA evidence supporting their arrest, are too great and to deny bail. This would appear to be a needed change in Kansas law.

Thank you for your consideration.

Dave Kerr

TO: Chairman Humphries and Committee Members

FROM: Jan Kessinger

RE: Support for HB 2389

I strongly support HB 2389 to prevent bond being offered at first appearance to defendants who have been previously convicted. I cannot imagine the fear and anxiety a victim would feel as they feared the release of their assailant at any time. A good night's sleep would be impossible with the fear that each sound might be the return of the attacker to render retribution to the victim.

Please pass HB 2389 to the floor for approval for the safety of victims.

Thank you,

Jan Kessinger

To Whom it May Concern: Regarding House Bill 2389

Date: March 7, 2025

We strongly support House Bill 2389. It is essential to recognize that, without awareness of this issue, many remain oblivious to the fact that a Judge in the State of Kansas can grant bail to a rapist without considering prior offenses, convictions, or the potential risk of flight. Therefore, it is crucial to allow Judges in Kansas the authority to deny bail in such cases. While this measure cannot erase the trauma endured by victims, it will significantly reduce the fear that comes with the possibility of a perpetrator being released back into the community. Act now to make this change to protect victims.

Kansas Residents

Connie J Kisinger and Kirk A Kisinger

Testimony in Support of H.B. 2389 – For Change to Withhold Bail for Individuals Previously Convicted of Rape and Sodomy

To the Honorable Members of the Kansas Legislature,

I am writing to express my strong support for proposed legislation that would give judges the discretion to withhold bail from individuals who have been previously convicted of rape and sodomy. This critical change in Kansas law will not only enhance public safety but also help to better protect the victims of these horrific crimes.

As we all know, the impact of sexual violence is profound and far-reaching. Survivors of rape and sodomy often face long-lasting emotional, psychological, and physical trauma that can shape their entire lives. One of the most pressing concerns for victims and our communities is the potential for repeat offenses by individuals who have already demonstrated a blatant disregard for the safety and well-being of others.

By allowing judges to withhold bail from those previously convicted of such violent offenses, we would take a significant step toward ensuring that those who pose a danger to society remain behind bars until their case is resolved. This measure would serve as a safeguard, reducing the likelihood of further harm to potential victims while also encouraging accountability within our criminal justice system.

Research consistently shows that individuals convicted of serious crimes, such as rape and sodomy, are more likely to reoffend. While bail serves an important purpose in our justice system, it should not be granted indiscriminately, especially in cases where the accused has a history of violent behavior. The proposed change would empower judges to use their discretion based on the circumstances of each case, considering the offender's criminal history and the nature of the charges against them.

It is crucial that we prioritize the safety of our communities and ensure that those who have been convicted of such heinous crimes are not released before their trial or sentencing. We owe it to the survivors of these crimes, as well as to the broader public, to take proactive steps to prevent further victimization.

I urge you to support this important change in Kansas law, which will help to make our communities safer and send a strong message that violent crimes like rape and sodomy will not be tolerated.

Thank you for your time and consideration.

Sincerely,
Robert J. Lambrechts

March 8, 2025

House Judiciary Committee
Kansas Capitol Building
300 W 10th Street, Room 519-N
Topeka, KS 66603
RE: HB 2389

Dear Chair Humphries and Members of the Committee,

Please accept this letter in support of HB 2389, the “Bail Bond” bill. My friend’s aunt is the most fierce and courageous woman I know. Her journey in healing from this horrific attack has been disrupted by a system that does not consider her safety and wellbeing. She should not be further traumatized by a system that automatically grants bail to historically violent sex offenders. I strongly urge you to support the passage of this bill so she and other survivors of sexual violence can begin the long road of healing without the fear and anxiety of coming face to face with their attackers.

Sincerely,

Amy Lanham

March 11, 2025

Testimony in Support of HB 2389

Chairman Humphries & Committee Members,

My good friend was attacked and raped repeatedly in her home in November 2024 by a previously convicted sex offender. You have to ask how could this happen? It happened because Kansas requires a judge to set bail, and if the rapist has family or friends who have assets, they can be released on bail. HB 2389 bill will change the law to allow the judge at her or his discretion to withhold bail to anyone who has been previously convicted of rape or sodomy.

My good friend has always been a very strong passionate woman that was the spokesperson for many groups and organizations for four decades. Always standing up for the right issues and concerns and the best supporting friend one could have. I say that because I spent time with her, after her attack and rape, and her world has been shattered, her self-esteem wavering and her health concerns (cancer survivor) are magnified as her rapist tested positive for HIV! Again, this should not have happened!

Please take into consideration my friend's story, but I am sure there are more cases that are out there that have changed many women's lives forever.

Please support HB 2389!

Linda Leeper

March 8, 2025

House Judiciary Committee
Kansas Capitol Building
300 W 10th Street, Room 519-N
Topeka, KS 66603
RE: HB 2389

Dear Chair Humphries and Members of the Committee,

This is my letter in support of HB 2389, the "Bail Bond" bill. The aunt of my friend was sexually attacked in Wichita. For her and all victims and survivors of sexual assault, there should not be system that automatically grants bail to historically violent sex offenders. I strongly urge you to support the passage of this bill so she and other survivors of sexual violence can begin the long road of healing without the fear and anxiety of coming face to face with their attackers.

Sincerely,

Carole Levin

HOUSE JUDICIARY COMMITTEE
March 12, 2025

TESTIMONY IN SUPPORT OF HOUSE BILL No. 2389

TESTIMONY OF FRED LOGAN

I have practiced law in Prairie Village for many years. I am submitting written testimony in support of House Bill No. 2389.

House Bill No. 2389 would amend K.S.A. 22-2802 by adding a new subsection (p) that reads as follows:

p) If a defendant is charged with rape, as described in K.S.A. 21- 5503, and amendments thereto, criminal sodomy or aggravated criminal sodomy, as described in K.S.A. 21-5504, and amendments thereto, sexual battery or aggravated sexual battery, as described in K.S.A. 21-5505, and amendments thereto, or indecent liberties with a child or aggravated indecent liberties with a child, as described in K.S.A. 21-5506, and amendments thereto, when setting the amount of an appearance bond and conditions of release, the magistrate shall consider prior convictions of such offenses or comparable out-of-state convictions.

This change would give a district magistrate judge the authority, when setting the amount of an appearance bond and the conditions of release for a defendant who is alleged to have committed one of the described offenses, to consider the defendant's record of prior convictions of such offenses in this state or in another state. There should be no doubt that in certain situations, those in which

the defendant has previously been convicted of one of these heinous crimes, the magistrate might order that no bond be set, and that the defendant be held in custody. The defendant would have the right to apply to a district court judge for a modification of the magistrate's order.

This is common sense legislation. We are talking here about particularly heinous crimes: rape, criminal sodomy or aggravated criminal sodomy, sexual battery or aggravated sexual battery, and indecent liberties with a child or aggravated indecent liberties with a child. The magistrate judge should be afforded every opportunity in these instances to consider whether a defendant should be released and, if so, whether provisions should be added to the conditions of release that ensure public safety.

I am grateful to have had the opportunity to submit this written testimony in support of House Bill No. 2389. I urge members of the House Judiciary Committee to support this important legislation.