

Date: March 11, 2025

To: Chairman Humphries and Members of the Kansas House Judiciary Committee

Re: HB 2389

I am writing to the committee to urge your support of this bill, which would allow for denial of bail, at the judges discretion, for anyone previously convicted of the crime of rape or sodomy. Although I have not personally been a victim of either of these crimes, I know women and men who have been victims, and have seen and understand the trauma these victims experience knowing that the offender could be released while awaiting trial, and possibly able to repeat the offense. The law should allow for the judge to discern whether or not the particular situation warrants allowing, or withholding bail in these cases.

Thank you for your consideration.

Teresa Martin

3/11/25

TO: CHAIRMAN Humphries and Members of the Committee

I am writing in support of HB 2389 as a friend of the victim whose experience is the origin of this proposed legislation.

In November 2024, my friend and colleague was attacked in her home and sexually assaulted. Thankfully, and through the outstanding work of law enforcement, the suspect was apprehended and charged with multiple crimes related to this attack.

However, despite a history of violent sexual crime in multiple states, during his arraignment the suspect was given a \$750,000 bond as is required by current Kansas law. Fortunately, the suspect was unable to make bond is still in custody awaiting trial. However, if he had the means to make bond, he could be free awaiting trial, or a flight risk adding further trauma for the victim of this violent attack.

HB 2389 is a common-sense change to K.S.A. 22-2802 giving judges express authority to consider prior convictions and out-of-state convictions in cases of rape, sodomy, or other sex crimes. This change will help ensure that victims of violent sexual assault are not subjected to further fear and trauma as the legal system runs its course.

I respectfully ask you to support HB 2389.

Cameron McGown

John Michaels
Lifelong Kansas Resident

My name is John Michaels and I am writing in support of HB 2389, the Bail Bond Bill being introduced by Laura Williams, Robyn Essex and Stephanie Clayton.

This bill is important to me for many reasons. My good friend was attacked and raped in her home by a man that should not have been on the streets. This man took something from her that she will never get back. The State of Kansas owes women like her the ability to recover and heal knowing that their attacker is behind bars and has no chance of getting out before trial. The journey my friend is on should be walked with the confidence that she will not see that man on the streets, at the grocery store or in her neighborhood. Animals like him deserve to be in a cage.

Beyond the story of my good friend is the fact that I have a wife and a daughter. I have a mother and a sister. Animals like him do not discriminate when they choose victims and ruin lives. Put them behind bars and keep them there.

Please support HB2389, I was shocked to know that a rapist could post bail in Kansas. Don't allow this to continue.

Thank you,

John Michaels

I am writing in support of House Bill 2389. I was not aware that a Judge in the State of Kansas cannot currently withhold bail for a previously convicted rapist. My concern is that bail would be granted before the court has complete knowledge of previous acts, convictions, ability to bond out, physical health (AIDS) or flight risk status. The additional trauma for a victim whose attacker could get bail is unnecessary and unconscionable. Therefore, I would like to support HB 2389 to allow Judges in the State of Kansas to deny bail.

Thank you for your consideration of my thoughts about this bill.

Krista Morrissey

SUBJECT: HB2389
TESTIMONY SUBMITTED BY: Jan Peters
DATE: March 12, 2025

Thank you for the opportunity to submit testimony in SUPPORT of HB 2389 – an important bill that states that bond should be denied anyone who has been previously convicted of the crime of rape or sodomy. Your support of this bill will have a lasting impact on those who have been significantly affected by this horrific crime.

Recently, my friend faced this injustice as the man that raped her was granted bond after having been convicted of the same crime several years earlier. As if the rape was not traumatic enough, she then faced the brutal reality of reliving the incident again and again through the investigation process.

The estimated lifetime cost of rape is \$122,461 per victim – according to the National Sexual Violence Resource Center. In addition to the financial burden of a rape crime, victims also face the fear of stalking - once the perpetrator is granted bond, numerous psychological challenges, violation of trust and safety and emotional trauma.

The passage HB 2389 is one important step to help victims by eliminating the fear of a perpetrator in the community and an opportunity to attack again.

I strongly urge your support of HB 2389 and thank you for your consideration in helping rape crime victims and their family and friends.

House Judiciary Committee

Reference House Bill 2389

I am submitting my written testimony in support of this bill. There are a number of offences including rape and physical assaults that are serious and traumatic enough to require the examination of an assailant's past record to require a closer review of their past record in determination of the appropriateness and size of bond to be determined. The safety of the public would be best served to wait until at least the second hearing to determine the conditions of Bail.

Thank you.

Robert D Regnier

March 10, 2025

RE: HB 2389

Dear Chair Humphries and Members of the Committee,

Please accept this letter in support of HB 2389, the “Bail Bond” bill. It takes a lot of courage and a strong sense of self to advocate for yourself and for others. Sexual assault has many victims who are damaged, scared, and do not feel they have a community to trust. The passing of this bill will set boundaries and give victims hope for safety and healing. Thank you for listening.

Sincerely,

Karla Roscoe

Subject: PRO.HB2389.Roche.03.11.25

Chairman Humphries and Committee Members:

Re: HB 2389

I write in total support of HB 2389. This bill is in the public interest. It serves to enhance the protection of the public while adding a necessary public safeguard in the administration of criminal justice.

Victims of rape or sodomy deserve protection from the predators who have harmed them. These individuals should not be allowed to bail out. To ask a judge to set bail at the arraignment for someone so accused without allowing the prosecutor and court the time to fully examine the accused past criminal record is inappropriate. Such data/information will influence any bail decision. The judge should be under no obligation to establish bail in cases of rape or sodomy and can deny the bail request.

Any time bail is set, no matter the amount, the victim of rape or sodomy will be mentally tormented wondering if the accused can make bail. That is unacceptable. Being victimized once is horrific but to then live in fear that your perpetrator is now or maybe in the future allowed to make bail is unacceptable. For such individuals bail should be denied. Our citizens deserve better and I respectfully request you pass HB 2839 for the benefit of the public interest.

Thank you.

William E. Roche

March 11, 2025

Dear Chair Humphries and Members of the Committee,

I am writing you in support of HB2389, the “Bail Bond” bill. Individuals who are previous convicted sex offenders should not automatically be given bail. Survivors of sexual assault already have a difficult journey of healing ahead of them and should not live in fear of being violated by their attacker again. Please support this important bill.

Thank you,

Nadia Schmidt

TO: CHAIRMAN Humphries and Committee Members

I am writing in support of HB 2389 in support of denying bail to individuals previously convicted of the crime of rape or sodomy. This is a common sense approach to ensuring the public safety. Your positive consideration of this bill will be appreciated.

Submitted by Jewel Scott

AUDRIE SEELEY & COMPANY

LANDSCAPE CONTRACTOR
DESIGN*CONSULTATION*INSTALLATION

3/7/2025

To Chairman Humphries and Committee Members:

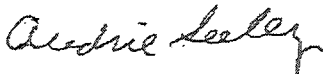
I know that you are strongly committed to helping and protecting the citizens of our State of Kansas, and I am grateful to you for that. I am hoping that you will also recognize how dangerous individuals who have been convicted of rape are.

Years ago, a Kansas psychologist said to me the best predictor of future behavior is past behavior. He then said that someone convicted of brutal crime is likely sociopathic and narcissistic. He also said, those disorders are largely genetic brain disorders that never change with psychotherapy or medicine.

These facts argue strongly that the passage of time or previous jail time will not change their personalities or their dangerousness, and, therefore, to protect innocent people, these convicted criminals should forfeit their right to be released on bail. So other innocent people don't also suffer life-changing trauma.

Only you can protect innocent Kansans. Please, move House Bill HB 2389 forward and champion it to all your colleagues in the House. All Kansans will be grateful to you for your common sense and compassion in protecting them and their loved ones.

Sincerely,



Audrie Seeley
3035 W 147th Street
Leawood, KS 66224

Subject: HB2389

Date: March 9, 2025

To: Chairman Humphries and the Committee Members

I am expressing support for Bill HB2389 on bail for repetitive offenders. In late 2024, my aunt was the victim of a random act of violence. While asleep in her home, an individual unknown to her entered her home and sexually assaulted her multiple times over the period of an hour. During the course of the investigation, DNA evidence connected her assailant to an offender who had served time in New York for the rape of an 11 year old girl.

11 years old.

My daughters are 15 and 11 years old.

My aunt is 71 years old.

The assailant was a known offender. While we may never know the extent of victims of this individual, we will forever live with the fact that this individual has forever changed the sanctity and peace of our family.

As I try to explain to my daughters about this, and ensure them the safety of the communities we live in, I had to grapple with the possibility that this individual could post bail as a repeat offender and potentially attack another, innocent victim. As a mother, my goal is to protect my children above all costs. How can we protect our communities if these repetitive offenders are allowed bail after repeatedly attacking the innocent?

HB2389 allows a branch of healing for these assault victims. It never heals the trauma, but at the minimum provides them the peace that this individual cannot do this to them again. They cannot do this to another individual again.

If an offender repeatedly makes the decision to attack the innocent, it is our responsibility to protect our communities while they go through the full judicial process.

As a Kansan, as a mother, as a niece, my family offers our full support of HB2389, and appreciate your consideration of the bill to ensure the safety of our Kansas communities.

The Honorable Susan Humphries
Chair House Judiciary Committee
March 10, 2025
Proponent Testimony HB 2389
Kandace and Jay Skolaut

Chair and members of the committee, I am writing to you today along with my wife, Kandace, because we are concerned that Kansas law presently makes it too easy for the worst offenders to be released on bond. As such, we support HB 2389 because it protects Kansas communities from repeat criminal actors who otherwise could be released on bond without consideration of their prior convictions for rape, criminal sodomy, and other similar offenses.

In the last year, a member of our family was the victim of a sexual assault. The assailant broke into our family member's house while the family member was alone, late at night while sleeping. Without going into the details, it was the worst thing anyone could imagine. After thirty-six (36) hours of asking questions that had no answers, we were relieved to find out that law enforcement had made an arrest. Shortly thereafter, we learned it was possible the assailant could be released on bond. This was despite the fact the assailant had previously served significant time in prison for a conviction related to the sexual assault of a minor. Once we got over the surprise that this was even a possibility, we began considering what would happen if the assailant was able to make bail. Even if the assailant did not return to the scene of the crime, the thought that the assailant could be out among the public, able to harm other innocent people, was unfathomable.

The stated purpose of K.S.A. 22-2802 is to "assure appearance and the public safety." In doing so, the court is able to take into account a variety of information when setting the conditions of release, including but not limited to, the nature and circumstances of the crime charged; the weight of the evidence against the defendant; the defendant's character; the defendant's record of convictions; the likelihood of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass, or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense. The proposed amendment clarifies that in circumstances where the criminal defendant is charged with the most egregious of offenses – rape, criminal sodomy, criminal sodomy, sexual battery, or indecent liberties with a child – the court shall consider the defendant's prior convictions for similar offenses in setting the conditions of release. We also believe that in these circumstances, bond should not be set at the defendant's first appearance, such that the court can receive more information concerning the person's underlying prior convictions.

While thankfully the instances in which these issues are raised are relatively few, the peace of mind these simple additions to K.S.A. 22-2802 could bring cannot be overstated, and any way we can find to reduce the trauma experienced by victims of sexual assault should be given due consideration by the legislature.

Thank you for the opportunity to support HB 2389. We support HB 2389 and strongly believe bail should be denied to anyone who has been previously convicted of the crime of rape or sodomy.

March 10, 2025

Bill HB2389 – Bail Initiative

To: Chairman Humphries and the Committee Members

Subject: Bill HB2389

I am writing to you in support of Bill HB2389, regarding bail for repetitive sex offenders. In fall of 2024, my sister at the age of 71 was assaulted, repeatedly raped and sodomized by an individual. This individual has never been known by her or others around her, and from what we have seen, was a random act of violence, forever impacting my sister and our entire family.

Through DNA evidence, we quickly learned that the individual who assaulted her was a repeat sexual offender. The law enforcement team who worked on the case were extraordinary, being able to identify through DNA, locate and subsequently arrest the individual.

In the hours and days after the arrest, my sister and those supporting her learned this individual had previously been charged with sexual assault. He had been in prison in New York for the rape of an 11 year old girl. While he was out on parole, he traveled to Kansas where he would ultimately forever alter another innocent individual's life. This was compounded with also learning he knowingly had and transmitted AIDS to her, adding to the lifelong trauma this brings.

The law enforcement team and victim advocacy team helped as the family began processing all that happened over the course of those early days. As grateful as we were for them, we did not imagine that this individual, who has raped both an 11 year old and 71 year old at minimum, knowingly transmitting life-altering diseases, could possibly walk while awaiting trial.

By Kansas law, allowing these repeat offenders to parole opens up a new level of fear for these victims. I had to look at my sister and try to assure her that this will not happen again. How can we trust this if the process allows a relative, organization or group potentially parole these repeat, violent offenders?

My family has chosen Kansas to live due to the safety our communities provide. We offer our full support of HB2389, and encourage you to lift up these victims by ensuring their perpetrators cannot wreak any more havoc in our communities, until they are brought to justice.

We appreciate your consideration of HB2389.

To: Chairman Humphries and Committee Members

Every woman—*every* woman---lives in fear that someday she will be raped and sodomized by a man who brutally hurts her while threatening to kill her. Most often the victim is not killed but she wishes she had been. In all cases the experience is so brutal the victim who lives never recovers.

Most rape victims never report the assault because they realize that the man probably will return. Of course, not reporting the assault leaves the rapist open to rape, sodomy and assurances that he will kill once again. And again.

Holding known rapists behind bars until he is tried—and not allowed bail—will give some small comfort to those who have suffered beyond our imaginations.

The least you can do to help is to support HB2389

Thank you for considering...

Betsey Solberg

Dear House Judiciary Committee Members,

Subject: Pro.HB 2389.Stuke.03-12-2025

I am writing in support of HB 2389.

The life of a friend of mine has forever been changed. She was raped and sodomized in her own home, unprovoked in the middle of the night by an alleged repeat offender who broke into her home.

This law needs to be changed to allow the judge discretion to withhold the bond to anyone who has previously been convicted of rape and or sodomy. The fear/threat posed to the victim, their family, friends and safety of others is paramount. It is vital and important to keep chronic offenders off the street to not allow a potential flight risk or intimidation of the witness until justice is served.

Your time and consideration on this most important matter is greatly appreciated. I urge your support of HB 2389.

Sincerely,

Mandy Stuke

I am writing to fully support the Bill HB 2389.

This Bill is particularly important to me and should be to all of us. I'm a middle-aged woman who was attacked and sexually assaulted on a week-day morning, just going about my business, heading to work. My attacker was caught later that day and it came out that he had previous criminal history of the same kind. My attacker was set a \$250,000 cash bail, and I've spent every day just hoping he doesn't somehow come up with the money.

I'm a firm believer in the judicial system we have in this great country, and that everyone is innocent until proven otherwise. However, when it comes to certain crimes, and offenders have a history of those same crimes, the judge should have the discretion to withhold bail.

We can't stop some people from choosing to commit crimes in the first place, but we can certainly prevent these same individuals from repeating those same offenses if they make bond. They should absolutely receive all the legal rights, public defense, etc., in line with any other individual accused of a crime. But they lose their right to bail, because of their previous criminal choices.

Thank you for this opportunity to support this important bill and thank you for the work you do.

TD

March 7, 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 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,

Jess Wagner

March 10, 2025

House Judiciary Committee

Kansas Capitol Building

300 W 10 th 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 wife’s aunt is the one of the strongest women that I have ever met. After her attack she was a shell of the person I once knew.

As she continues to heal from her incident, a situation where her attacker could be granted bail makes the situation even more difficult. For this reason, I plead with you to support this bill. Your support will not only help expedite the healing process for my wife’s aunt, but for the number of traumatized individuals who must go through this terrible process.

Sincerely,

Scott Wagner

Kansas Judiciary Committee HB 2389

Dear House Judiciary Committee Members,

I am writing in support of HB 2389.

This law needs to be changed allowing the judge, at her/his discretion, to withhold bail to anyone who has been previously convicted of rape and/or sodomy.

My passionate support of this bill is in direct response to a friend's recent rape and sodomy incident, unprovoked and in her own home.

While this may seem a minor adjustment to a statute currently on the books, it is a vital tool to keep those who are chronic offenders off the street or as a potential flight risk, until justice can be served.

Your support of this bill would be greatly appreciated. I know you will do the right thing to protect victims of ALL ages.

Thanks for your public service and careful consideration.

Sincerely

Nancy Wallerstein

March 7, 2025

Re: HB 2389

To Chairman Humphries and Committee Members,

Thank you for allowing this testimony on HB2389. This bill is critically important to protect victims by allowing the judge to use his/her own discretion whether to grant an opportunity for bail at the first hearing for those charged with a rape, assault or other crimes. By allowing for this discretion, the judge can have time after the first hearing to learn of any prior convictions and allow for a clear understanding of the history of the accused that is not available at the time of the first hearing before bail is granted.

Access to this complete information is important for the judge to decide the appropriate amount of bail and to assure the victim is not victimized further with a fear that the accused will be free for any period of time with the potential to further harm the victim during a time when information is still being gathered about the accused. The additional information could dictate a higher amount of bail based on the history of the accused.

Victims worry about the fact that the accused knows who they are and where they are and might have a reason to harm them further or even murder them if the accused feels threatened that the victim will testify against them in the future. I have witnessed this personally with my friend who was raped a couple of months ago in Johnson County. After the trauma she endured after being raped by a stranger in her bedroom in the middle of the night, she was further victimized with the fear that the rapist would find her again with intent to harm her because she could identify him. A higher amount of bail might have been given if it was known at the time that the accused had a prior conviction and was a significant threat to society.

This Bill will be very helpful in these instances and create a safer community which is critically important to everyone. This Bill provides protection for the victim and they deserve this protection. Thank you for this opportunity and for all you do to help keep our community and our citizens safe.

Carolyn Watley

March 8, 2025

House Judiciary Committee

Kansas Capitol Building

300 W 10th Street Room 519-N

Topeka, KS 66603

RE: HB2389

Dear Chair Humphries and Members of the Committee:

My sister's stepdaughter's aunt was brutally raped in November of 2024 at the age of 71. Her rapist was caught within 36 hours using DNA evidence, due to the fact her rapist was a previously convicted sex offender having served time in prison for the attempted rape of an 11 year old girl. He was released on bond. Imagine the fear this woman is suffering, due to the fact this man is on the loose, and think of the risk this puts all women and girls into. Please pass HB2389 to protect the women and girls of your state.

Sincerely,

Roxann A Young