"BAIL AGENTS ASSURE JUSTICE"

Kansas Bail Agents Association
2947 N. Athenian Ave., Wichita, Kansas 67204

Testimony In Opposition to Senate Bill 204

February 17, 2025

Chair Warren and Committee Members,

My name is Shane Rolf. I am the Executive Vice President of the Kansas Bail Agents Association. I am providing this testimony on behalf of the KBAA in opposition to Senate Bill 204

Senate Bill 204 proposes to "seal" all criminal cases until such time as the "arrest warrant" has been served. We presume this to mean a brand new case wherein an initial warrant for arrest has been issued but not served, However, we do not believe that there is any statutory definition for "arrest warrant" and this could just as easily lead to closing off access to cases wherein bench warrants have also been issued for the arrest of the defendant for failure to appear or failure to comply. Absent a statutory definition of "arrest warrant," bench warrants are also "arrest" warrants. Both of these situations present problems for the bail bond industry.

Sealing the case due to the issuance of a bench warrant creates problems for us in just managing our defendants. We cannot possibly personally attend every court appearance of every defendant and we routinely check cases on the Odyssey court computer system to see the status of our cases, issue court date reminders, etc. Sealing cases following the issuance of a bench warrant really makes it impossible for us to properly track our cases. It also functionally closes off public access to those cases for no discernible reason.

If the statute is intended to only address cases wherein an initial warrant has been issued, but no arrest has yet been made, then this also creates problems rather than solving them. Bail bondsmen routinely field calls from people who think they might have warrants. Not for purposes of absconding, but rather for purposes of surrendering on the warrant, posting bail and moving the case forward. Further, in instances wherein a defendant is in custody in one county, we can use Odyssey to see if they have cases, both old and new, in other jurisdictions, thus allowing us to make more informed decisions about whether or not to post bail for a particular defendant. This has been the status in Odyssey since it was first initiated several years ago and only now seems to have become an issue since Johnson County was recently added to the system.

The computer systems in other states, such as the Missouri Case.net system are equally transparent. This does not seem to have interfered with the sound administration of justice in either Kansas or these other states. There simply is not much evidence that sophisticated criminals are using these systems to decide exactly when to abscond. In these cases, some degree of investigation has already occurred and the defendant is usually aware that a future warrant is a possibility, just not the timing of such a warrant.

Finally, inserting this provision into this particular statute seems to also contradict language in the body of the statute (Page 2, lines 3-9) which states that "good cause to ... seal .... **does not exist** unless the court make a finding on the record that there exists an identified safety, property or privacy interest of a litigant or a public or private harm that predominates the case ***and such interest or harm outweighs the strong public interest in access to the court record and proceedings***."

We don't believe that a strong public interest exists to create a blanket seal and deny public access to all cases with an arrest warrant. Of course, the Court would always continue to have the authority to do this on an individual case basis upon a showing that harm would actually exist in a particular case.

As such, we would urge the committee not to pass this bill favorably to the full Senate.

Shane Rolf
Executive Vice President
Kansas Bail Agents Association