

**As Amended by House Committee**

*Session of 2025*

**HOUSE BILL No. 2131**

By Committee on Corrections and Juvenile Justice

Requested by Representative Lewis

1-28

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to jailhouse witness testimony; requiring prosecutors to disclose their  
3 intent to introduce testimony from a jailhouse witness and to forward  
4 related information to the Kansas bureau of investigation.  
5

6 WHEREAS, The provisions of this act shall be known as the Pete  
7 Coones memorial act.

8 Now, therefore:

9 *Be it enacted by the Legislature of the State of Kansas:*

10 Section 1. (a) (1) In any criminal prosecution, the prosecuting  
11 attorney shall disclose its intent to introduce testimony of a jailhouse  
12 witness regarding statements made by a suspect or defendant while such  
13 witness and suspect or defendant were both incarcerated within the time  
14 provided by K.S.A. 22-3212, and amendments thereto. The prosecuting  
15 attorney shall provide to the defense:

16 (A) The criminal history of the jailhouse witness, including any  
17 pending or dismissed criminal charges;

18 (B) the jailhouse witness's cooperation agreement and any benefit that  
19 has been requested by, provided to or will be provided in the future to the  
20 jailhouse witness;

21 (C) the contents of any statement allegedly given by the suspect or  
22 defendant to the jailhouse witness and the contents of any statement given  
23 by the jailhouse witness to law enforcement regarding the statements  
24 allegedly made by the suspect or defendant, including the time and place  
25 such statements were given;

26 (D) any information regarding the jailhouse witness recanting  
27 testimony or statements, including the time and place of the recantation,  
28 the nature of the recantation and the names of the people present at the  
29 recantation; and

30 (E) any information concerning other criminal cases in which the  
31 testimony of the jailhouse witness was introduced or was intended to be  
32 introduced by a prosecuting attorney regarding statements made by a  
33 suspect or defendant, including any cooperation agreement and any benefit  
34 that the jailhouse witness received in such case.

35 (2) The court may permit the prosecuting attorney to comply with the

1 provisions of this section after the time period provided in paragraph (1) if  
2 the court finds that the jailhouse witness was not known or the information  
3 described in paragraph (1) could not be discovered or obtained by the  
4 prosecuting attorney exercising due diligence within such time period.

5 (3) If the court finds that disclosing the information described in  
6 paragraph (1) is likely to cause bodily harm to the jailhouse witness, the  
7 court may:

8 (A) Order that such evidence be viewed only by the defense counsel  
9 and not by the defendant or others; and

10 (B) issue a protective order.

11 (b) (1) Each prosecuting attorney's office shall maintain a central  
12 record containing information regarding:

13 (A) Any case in which testimony by a jailhouse witness is introduced  
14 or is intended to be introduced by a prosecuting attorney regarding  
15 statements made by a suspect or defendant and the substance of such  
16 testimony; and

17 (B) any benefit that has been requested by, provided to or will be  
18 provided in the future to a jailhouse witness in connection with testimony  
19 provided by such witness.

20 (2) Each prosecuting attorney's office shall forward the information  
21 described in paragraph (1) to the Kansas bureau of investigation. The  
22 bureau shall maintain a statewide database containing the information  
23 forwarded pursuant to this section. Such database shall be accessible only  
24 to prosecuting attorneys and shall otherwise remain confidential and not  
25 subject to the open records act, K.S.A. 45-215 et seq., and amendments  
26 thereto. The provision regarding confidentiality shall expire on July 1,  
27 2029, unless the legislature reviews and acts to continue such provision  
28 pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

29 (c) If a jailhouse witness receives any benefit in connection with  
30 offering or providing testimony against a defendant, the prosecuting  
31 attorney shall notify any victim connected to the criminal prosecution.

32 (d) As used in this section:

33 (1) "Benefit" means any plea bargain, bail consideration, reduction or  
34 modification of sentence, or any other leniency, immunity, financial  
35 payment, reward or amelioration of current or future conditions of  
36 sentence that is requested, provided or will be provided in the future in  
37 connection with, or in exchange for, testimony of a jailhouse witness.

38 (2) "Jailhouse witness" means a person who provides testimony, ~~or is~~  
39 ~~intended to provide testimony~~ **or whom the prosecuting attorney at**  
40 **some point intended to call as a witness** during a criminal prosecution  
41 regarding statements made by a suspect or defendant while both the  
42 witness and the suspect or defendant were incarcerated; and who has  
43 requested, ~~has~~ **or** been offered ~~or may in the future receive a benefit or~~

1 **possible benefit** in connection with such testimony. "Jailhouse witness"  
2 does not mean a person who is a confidential informant, an accomplice or  
3 a co-defendant.

4 (e) This section shall be a part of and supplemental to the Kansas  
5 code of criminal procedure.

6 Sec. 2. This act shall take effect and be in force from and after its  
7 publication in the statute book.