

SESSION OF 2014

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2445

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2445 would amend the code of criminal procedure to clarify that the defense, rather than the defendant individually, is entitled to access discovery materials.

Additionally, the bill would amend the defense's expert disclosure requirements to remove the requirement that the bases and reasons for the expert's opinions be included and to make such disclosures due at a reasonable time prior to trial by agreement of the parties or by order of the court (instead of 30 days before trial). The bill would impose the same disclosure requirements on the prosecution for any expert witness' direct examination.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas County and District Attorneys Association (KCDAA). In the House Committee, a representative of the KCDAA testified in support of the the bill, stating it was requested in response to a recent Kansas appellate decision in which the court held that a defendant had the right under existing statutory language to access discovery materials personally, not just through defense counsel. A representative of the Kansas Association of Criminal Defense Lawyers provided neutral testimony and suggested additional amendments to the criminal discovery statute regarding expert witness disclosures.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The House Committee adopted an amendment proposed by the KCDAA adjusting the defense's expert disclosure requirements and imposing the same requirements on the prosecution.

The fiscal note provided by the Division of the Budget indicates enactment of the bill, as introduced, would have no fiscal effect on the Judicial Branch.