



Kansas County & District Attorneys Association

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To: Senate Judiciary Committee
From: Todd Thompson, Leavenworth County Attorney
Date: January 21, 2016

Re: Support for SB 327

Hon. Chairman King and fellow Committee members:

Thank you for the opportunity to provide testimony in support of Senate Bill 327. My name is Todd Thompson, I am the Leavenworth County Attorney and I represent the Kansas County and District Attorney's Association.

For the edification of the committee, a preliminary hearing is an evidentiary hearing to establish probable cause after a criminal complaint has been filed by the prosecutor. This hearing determines whether there is enough evidence, in a criminal case, to require a trial. In grand jury hearings it has been a practice to allow hearsay statements (or statements from witnesses without their presence in the courtroom to verify their statements). When a child under the age of 13 is summoned to testify at preliminary hearings, Kansas allows this to occur without their physical presence. This bill would allow similar practices for people of all ages, not just those under the age of 13. The bill would introduce, essentially, the same policy grand juries already have in place for such hearings.

This bill would be a cost and time savings for our Judiciary, defendants, and prosecution offices. Citizens would not be subjected to testify twice for their cases (the preliminary hearing and trial). This would reduce the trauma victims and witnesses of serious crimes such as homicide, rape, and severe violence do endure being forced to relive the crime over and over by testifying multiple times. This would also reduce the cost of witness fees assessed to the defendant and reduce the sheer number of hours spent in court by all parties. It will reduce the frustration of witnesses and victims inconvenienced by being forced to repeatedly take off work to come to court for proceedings that can be, and often are, waived at the last minute.

This bill would not take away the ability of either the defense or prosecution to present witnesses. Further, these witnesses will be available at trial, ensuring the defense does not lose their Constitutional right to confront the victim and witnesses at trial. It is a benefit for our judicial system.

Respectfully submitted

Todd Thompson
Leavenworth County Attorney