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SENATE CHAMBER

DAVID B. HALEY

SENATOR
DISTRICT 4
WYANDOTTE COUNTY

BEFORE THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF SENATE BILL 428 (2016)
AN ACT ... ; RELATING TO EYEWITNESS IDENTIFICATIONS
Wednesday, February 17, 2016 10:30 AM

Chairman King ; Vice-Chairman Smith ; Fellow Members of the Senate Judiciary Committee :

Thank you for the opportunity to review the merits of SB 428 with you today. As one of the longer serving members in our Kansas Legislature, it has grown increasingly apparent to me that we must do a better job in Kansas to insure accuracy and reason for a pedestrian or traffic stop and/or arrest by law enforcement. Further that wherein law enforcement and prosecutors are relying on eyewitness testimony, mistaken identification of a suspect or defendant by an eyewitness is the basis for an estimated 74% of all wrongful convictions.

SB 428 mandates the use of accurate, peer-reviewed practices in the administration of EYEWITNESS IDENTIFICATION procedures. The sole intent is ACCURACY in suspect ID. ABA approved, half of the U.S. either have, or are now working on implementing procedures .

Philosophically, I hope we might all agree that it is in the true interests of society and of justice to try and to convict the actual culprit responsible for the commission of any crime. However, as of 2015, out of 322 exonerations (nationwide) most due to DNA , again approximately 74% have been attributed to mistaken eyewitness identification. Whether in a state statute or adjudicated arbitrarily though some tribunal (such as a Claims Against the State committee), States have paid heavily for exonerations based on wrongful convictions; estimated cumulatively at \$875 million. (I have introduced another bill, SB 430, to provide, as 30 other States already have, continuity in compensation for those innocent "defendants" who were found to be wrongfully convicted. A companion House bill to SB 430 is currently working its way through the House.)

SB 428 gives clear, concise procedures to law enforcement at our training center designed to drastically reduce the incidence of convicting the wrong person based on faulty eyewitness(es). These procedures are simple and inexpensive to adopt and to consistently implement.

Other entities, unaware of today's scheduled hearing, wished to offer PROPONENT testimony. Mr. Chair, now or at the appropriate time, I'll be happy to stand for any questions on SB 428.

A handwritten signature in blue ink, appearing to read "David B. Haley (w)", is written over the bottom center of the page.