

**TO:** House Corrections and Juvenile Justice Committee  
**FROM:** Thomas R. Powell, City Attorney, City of Maize, Kansas  
**SUBJECT:** Opposition to Senate Bill 318  
**DATE:** March 6, 2024

**WRITTEN TESTIMONY ONLY**

**Dear Chair and Committee members:**

I am Tom Powell, City Attorney for the City of Maize, Kansas, and I am an opponent of the passage of that part of Senate Bill 318 that adds the requirement that “[t]he city attorney shall inspect every audio and video recording relevant to the case that is presented or provided to the city attorney by the accused person or the accused person’s counsel. . .” for the following reasons:

1. It is unclear what problem the provision in SB 318 purports to fix. I suspect that it arose out of a one-time event. I respectfully submit that the fixing of a one-time event is not a good reason to enact a law.
2. There are adequate non-legislative fixes to the situation covered by the provision. An accused person can take the matter to trial and, at trial, can introduce the relevant audio or video into evidence. A prosecutor has an ethical duty to do justice. If a prosecutor refuses to review relevant material provided by a defendant, then an ethics complaint could be filed against the prosecutor. I respectfully submit that a new law is not needed when adequate fixes already exist.
3. In many cities, the city attorney does not prosecute municipal court cases. It would be more appropriate to reference “the attorney who prosecutes in municipal court” instead of the “city attorney.”
4. The statute, K.S.A. 12-4410, that this provision of SB 318 amends is part of the Kansas Code for Municipal Courts. The Kansas Code for Municipal Courts is a nonuniform law and a city may pass a charter ordinance and exempt itself from the provision of K.S.A. 12-4410. Thus, the passage of SB 318 with the language requiring audio and video review by the city attorney could easily be circumvented by the passage of a charter ordinance.

Respectfully submitted,

Tom Powell, City Attorney  
City of Maize, Kansas