



**Senate Judiciary Committee
March 14, 2023**

**House Bill 2293
Testimony of the BIDS Legislative Committee
Presented by Clayton J. Perkins
Proponent**

Chairperson Warren and Members of the Committee:

HB 2293 provides for express disclosure requirements and further protections when the prosecution utilizes a jailhouse witness. This is an important step forward in providing a more reliable, transparent, and fundamentally fair criminal justice system for all Kansans. I would like to highlight a couple of ways HB 2293 does this.

First, HB 2293 makes the disclosure requirements upon the prosecution abundantly clear through subsection (a). This is important because certain constitutional disclosure requirements under *Brady v Maryland* may be otherwise overlooked. For example, an express cooperation agreement, such as a plea deal with the jailhouse witness, is typically disclosed. However, other aspects, like a request for or expectation of future benefits, without an express cooperation agreement, may be overlooked. This makes the disclosure requirements clear.

Second, HB 2293 also helps the prosecution fulfill those disclosure requirements through subsection (b), which provides prosecutors with a centralized tracking system for identifying repeated jailhouse witnesses. Right now, prosecutors may not even know if a jailhouse witness they are relying upon has repeatedly provided unreliable testimony as a jailhouse witness in other cases in other counties. Subsection (c) provides a way for prosecutors to have access to that information, better assess the reliability of the jailhouse witnesses they seek to use, and fulfill their constitutionally mandated disclosure requirements. These changes will help prosecutors fulfill their constitutional duties and improve the fairness in our criminal justice system.

Thank you for your time and consideration.

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