

SENATE BILL No. 107

By Committee on Federal and State Affairs

1-26

1 AN ACT concerning criminal procedure; providing that family members
2 of certain deceased crime victims have the right to sit in a designated
3 seating area at or near the prosecution table during certain court
4 proceedings; amending K.S.A. 2022 Supp. 22-3436 and repealing the
5 existing section.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2022 Supp. 22-3436 is hereby amended to read as
9 follows: 22-3436. ~~This section applies~~ (a) If a defendant is charged with a
10 crime pursuant to articles described in article 54, 55 or 56 of chapter 21 of
11 the Kansas Statutes Annotated, or K.S.A. 2022 Supp. 21-6104, 21-6325,
12 21-6326 or 21-6418 through 21-6422, and amendments thereto:

13 (a)(1) The prosecuting attorney, as defined in K.S.A. 22-2202, and
14 amendments thereto, shall:

15 (1)(A) Inform the victim or the victim's family before any dismissal
16 or declining of prosecuting charges;

17 (2)(B) inform the victim or the victim's family of the nature of any
18 proposed plea agreement; and

19 (3)(C) inform and give notice to the victim or the victim's family of
20 the rights established in subsection ~~(b)~~ (a)(2); and

21 (b)(2) the victim of a crime or the victim's family have the right to be
22 present at any hearing where a plea agreement is reviewed or accepted and
23 the parties may submit written arguments to the court prior to the date of
24 the hearing.

25 (b) *If a defendant is charged with a crime described in article 54 of*
26 *chapter 21 of the Kansas Statutes Annotated, and amendments thereto,*
27 *and the victim of such crime is deceased, one member of the victim's*
28 *family shall have the right to sit in a designated seating area at or near the*
29 *prosecution table during any court proceeding at which the defendant has*
30 *a right to be present, to the extent that such right to sit in such area does*
31 *not interfere with the constitutional or statutory rights of the defendant.*
32 *The victim's family shall choose the family member who will sit in such*
33 *area and inform the prosecuting attorney of such choice at or prior to the*
34 *first court proceeding at which the family member will exercise such right.*
35 *The prosecuting attorney shall inform the court of such choice for the*
36 *record. The court on its own motion or upon request may change the*

1 *family member who will sit in the designated seating area and may allow*
2 *more than one family member to sit in such area.*

3 Sec. 2. K.S.A. 2022 Supp. 22-3436 is hereby repealed.

4 Sec. 3. This act shall take effect and be in force from and after its
5 publication in the statute book.