

To: House Judiciary Committee - Room 346-S  
From: Steve Howe, Johnson County District Attorney  
Date: February 15, 2012

Re: **Testimony on HB 2655**

Chairman Kinzer and members of the House Judiciary Committee:

Thank you for this opportunity to present testimony on House Bill 2655. My name is Steve Howe and I am the District Attorney in Johnson County. I appreciate the opportunity to come before you to discuss the need for further changes to the interference with judicial process laws in Kansas. The suggested changes would help cover conduct not necessarily provided for by the current statutes.

Throughout my 24 years as a prosecutor, I have seen a number of acts of falsifying documents and the destruction of evidence which hinders the investigation and prosecution of criminal cases. The proposed language covers these acts that occur as the case proceeds through the criminal justice system. The use of, and reliance on, computers has allowed individuals another means to eliminate records in an effort to circumvent law enforcement.

Current statutes use very generic language. The interference with a law enforcement officer statute found at 21-5904 states: "in discharge of his official duty" has been used for a variety of acts, but is subject to judicial interpretation. Interference with the judicial process found at K.S.A. 21-5905 states "to conceal or destroy evidence of a crime". This is also subject to judicial interpretation. The only other option available to prosecutors involves the use of the perjury statute. However, perjury requires the false statement be sworn and on a "material matter" before the court. It only covers acts that occur on the witness stand.

The proposed language provides a better vehicle for prosecutors to punish those who obstruct our judicial process. This language is consistent with language used in the federal system and in other states it has withstood appellate challenges. This additional language addresses scenarios where an individual intentionally sabotages a criminal case as it is proceeding through the court system.

The criminal justice system is focused on seeking the truth. These simple changes can go a long way to holding people accountable for acts which undermine the integrity of our criminal justice system.

Thank you for this opportunity.

Sincerely,

*Stephen M. Howe*  
*Johnson County District Attorney*