

SESSION OF 2012

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2468

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2468 would amend current law concerning discovery in a criminal prosecution to require a defendant who seeks discovery and inspection to provide to the prosecutor within 30 days of trial a summary or written report of what any expert witness intends to testify, including the witness' qualifications, opinions, and the bases and reasons for such opinions. Further, the bill would require all disclosures to be made at the times and in the sequence directed by the court and, absent other directions from the court or stipulation by the parties, made as provided in this section.

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Attorney General's Office and the Kansas District and County Attorneys Association offered testimony in support of the bill. A representative of the Kansas Association of Defense Lawyers appeared as an opponent. The Committee amended the bill by striking language that would have required disclosure within 30 days of trial of the names and addresses of all prospective witnesses and any tangible papers, objects, or exhibits the defendant intends to produce. It also added language requiring all disclosures to be made at the times and in the sequence directed by the court and, absent other directions from the court or stipulation by the parties, made as provided in the amended section.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note for HB 2468, as introduced, indicates passage would have no fiscal effect on the Judicial Branch. The Board of Indigents' Defense Services reports that, because the bill would require experts to be approved, complete all work, and file a report within 30 days of trial, and whereas currently it does not approve funding for expert witnesses until counsel can advise that the case will not plea and will proceed to trial, the bill's requirements would increase its expenditures for expert services by 10.0 percent, or \$94,462.