

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 355

As Amended by Senate Committee on Judiciary

Brief*

SB 355, as amended, would create a provision within the Kansas Criminal Code to prohibit a court from requiring or ordering a complaining witness to submit to or undergo a psychiatric or psychological examination. The bill would define “complaining witness” to mean an alleged victim of any crime, the prosecution of which is subject to the section.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of the Kansas County and District Attorneys Association (KCDAA). As introduced, the provisions of the bill would have applied only to prosecutions for certain sex offenses.

In the Senate Committee hearing, representatives of KCDAA and the Kansas Coalition Against Sexual and Domestic Violence testified in support of the bill, stating victims of sexual assault should be treated as any other victim of a crime in a court of law and should not be subject to such an intrusive examination. The Kansas Association of Criminal Defense Lawyers submitted written-only neutral testimony on the bill, requesting modified provisions allowing the continued use of psychological examinations in rare circumstances.

The Senate Committee amended the bill to remove language limiting application of the provisions to prosecutions

*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>

for certain sex offenses, making the provisions apply equally to all crimes in the Kansas Criminal Code.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. The Sentencing Commission and the Department of Corrections indicate enactment of the bill would have no fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2021 Governor's Budget Report*.