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Date: March 6, 2024
To: Chairman Owens and the House Committee on Corrections and Juvenile Justice
From: City of Overland Park
Re: Testimony in Opposition to SB 318

The City of Overland Park appreciates the opportunity to testify in opposition to an amendment made on the Senate floor to SB 318, which amends K.S.A. 12-4410 and impacts obligations of municipal prosecutors. Section 1 of SB 318 would open the floodgates to the introduction of irrelevant information, strain resources of municipal prosecution offices, and seriously harm the ability to efficiently process municipal court cases.

The City supports the open and thorough dialogue between defense attorneys, pro-se defendants, and the prosecuting attorney in an effort to expeditiously resolve matters within the judicial system. However, any requirement which requires city prosecutors to inspect and review all presented audio and video recordings relevant to the case, including recordings made and retained by law enforcement using a body camera or vehicle camera submitted to them by a defense attorney or pro se litigant, would have the exact opposite effect.

If SB 318 were adopted in its current form, pro se litigants could submit hours of video, from any number of sources, that they feel is relevant to a prosecutor. TikTok and YouTube videos on the reliability of certain evidence, regardless of the basis of the research or knowledge of the producer, might be relevant or important to a defendant representing themselves, but completely irrelevant to the prosecution of the case. Requiring the prosecution to fully review any submission could effectively stall prosecution for months, if not longer. The bill is not clear on which party this time would be charged to for speedy trial purposes.

SB 318 essentially places a duty upon the prosecution to do the review and analysis work of a self-represented defendant or defense attorney, presenting ethical issues to city prosecutors. While a pro se litigant or defense counsel can always submit exculpatory or any other relevant evidence to the prosecution as they see fit, making a requirement that the prosecution review every submission made by the defense is an unreasonable and essentially an unenforceable burden.

Thank you for accepting the City's testimony in opposition to SB 318. We'd respectfully request that if the Committee considers advancing SB 318 to the full House, that the amendments to K.S.A. 12-4410 in Section 1 of the bill be removed.