



## Kansas County & District Attorneys Association

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To: Senate Judiciary Committee, Sen. Owens, Chair  
From: Tamara Hicks, KCDA, Deputy Finney County Attorney  
Date: January 26<sup>th</sup>, 2012

### **Re: SB 306 – Aggravated Intimidation of a Witness**

Chairman Owens and members of the Judiciary committee:

Thank you for this opportunity to present testimony on SB 306 which addresses an amendment to the Intimidation of a Victim/Witness statute.

My name is Tamara Hicks and I am a prosecutor in Garden City, Finney County. I am here to testify in support of Senate Bill 306 on behalf of the Kansas County and District Attorney's Association.

Senate Bill 306 expands the previous statute, K.S.A. 2011 Supp. 21-5909. Senate Bill 306 expands the existing statute to include mandatory reporters and not just law enforcement personnel. The amendments which we seek to have passed will assist the community in finding out what is happening to our victims and to proceed with charges against the defendant when they tried to prevent the victims from disclosing to mandatory reporters such as social workers, counselors, teachers or medical personnel.

Senate Bill 306 is necessary to help prevent criminals from persuading their victims not to report the criminal activity which has been inflicted upon them. This Bill will cause it to be a crime if the suspect tells or coerces the victim to fabricate a statement when disclosing what happened to them when discussing the situation with a social worker, teacher, counselor or medical professional.

Senate Bill 306 expands the Intimidation of a Victim/Witness to include all mandatory reporters, as well as the Secretary of SRS or any agent or representative of the Secretary. In several cases filed in Finney County, the Courts would not allow us to proceed with evidence in reference to this charge because the victim was dissuaded from telling someone other than law enforcement.

In one specific situation, the step-father used a gun to kill the neighborhood cats and told the child victim that if she told anyone at school that he was touching her inappropriately that he would do the same thing to her that he had done to the cats. The State was prevented from

presenting this information to the jury because the Court found that the child was not persuaded from telling law enforcement.

By dismissing these counts, the Court limited the evidence which the State could present to show why the victims reported something different to the mandatory reporter than they reported to law enforcement at a later time.

Senate Bill 306 should be adopted so that suspects do not dissuade the victims from telling any mandatory reporter what has happened to them. Further, if the victim is dissuaded from reporting what has happened to them or if they do not receive the appropriate assistance because they were afraid to tell a mandatory reporter or agents of SRS what actually happened because of something the defendant did or said, then the defendant should face charges of Intimidation of a Victim or Witness.

The amendments to Senate Bill 306 are especially important for child victims who may not know that they have the right to tell mandatory reporters or agents of SRS that they have been victimized.

The Kansas County and District Association respectfully requests the Senate Judiciary to support SB306.

Thank you for this opportunity to discuss this proposed Bill. I will stand to answer any of your questions.

Sincerely,

Tamara S. Hicks  
Deputy Finney County Attorney