



TESTIMONY OF
VIGNESH GANAPATHY
POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF KANSAS
IN SUPPORT OF **HB 2535**
KANSAS HOUSE COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE

FEBRUARY 2, 2018

Thank you, Chair Jennings, and members of the Corrections and Juvenile Justice Committee for affording us the opportunity to provide testimony on HB 2535.

The American Civil Liberties Union (ACLU) of Kansas is a non-partisan, non-political membership organization dedicated to preserving and strengthening the constitutional liberties afforded to every resident of Kansas. We work to preserve and strengthen our constitutional rights and freedoms through policy advocacy, litigation, and education. We proudly serve over 30,000 supporters in Kansas and represent more than 1.6 million supporters nationwide.

The ACLU of Kansas supports HB 2535. The Kansas Constitution and Sixth Amendment to the United States Constitution both guarantee an individual right to speedy trial in any criminal prosecutor. This bill would promote this right by changing the number of days within which a criminal defendant must be brought to trial from 150 to 90 days. Specifically, the ACLU of Kansas supports HB 2535 because:

- **Codifying the right to a speedy trial will ensure that this right is not infringed upon based on whether a defendant can afford bond.** The current 150 day trial date standard forces defendants awaiting trials and unable to afford bond to spend more time in jail cells. This has the effect of keeping many indigent defendants behind bars for far greater amounts of time than if they could afford to pay bond. According to the Kansas Judicial Branch, the percentage of felony cases pending for more than a year has ballooned to nearly 13 percent in 2017. Longer jail terms bolster the state's power over the accused and can increase the number of cases that are pled out. The outcome of criminal cases should not be dependent on the defendant's financial status.
- **The criminal justice system in Kansas is already overburdened and under-resourced, but shifting pending cases to county jails is not the answer.** Defendants should not pay the price for an efficient justice system with unnecessary pretrial detention and the pressure to plead guilty without any investigation of the facts of the cases. Ensuring that our criminal justice system is adequately managed is a worthy goal, but we cannot achieve that by depriving the accused of their constitutional rights. In addition to vindicating the right to a speedy trial, we urge this committee to consider policy solutions that reduce excessive sentences, and properly provide resources for criminal cases. For example, offering diversion to eligible felony defendants would reduce the strain on Kansas courts and ensure fair treatment.

For these reasons, we urge this committee to support HB 2535.