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RS - JThompson - 02/15/11

1 enters an order granting relief following such a private showing, the
2 entire text of the statement shall be sealed and preserved in the records of
3 the court to be made available to the appellate court in the event of an
4 appeal.

5 (f) Discovery under this section must be completed no later than 20
6 days after arraignment or at such reasonable later time as the court may
7 permit.

8 (g) If, subsequent to compliance with an order issued pursuant to
9 this section, and prior to or during trial, a party discovers additional
10 material previously requested or ordered which is subject to discovery or
11 inspection under this section, the party shall promptly notify the other
12 party or the party's attorney or the court of the existence of the additional
13 material. If at any time during the course of the proceedings it is brought
14 to the attention of the court that a party has failed to comply with this
15 section or with an order issued pursuant to this section, the court may
16 order such party to permit the discovery or inspection of materials not
17 previously disclosed, grant a continuance, or prohibit the party from
18 introducing in evidence the material not disclosed, or it may enter such
19 other order as it deems just under the circumstances.

20 (h) For crimes committed on or after July 1, 1993, the prosecuting
21 attorney shall provide all prior convictions of the defendant known to the
22 prosecuting attorney that would affect the determination of the
23 defendant's criminal history for purposes of sentencing under a
24 presumptive sentencing guidelines system as provided in K.S.A. 21-4701
25 et seq. and amendments thereto.

26 (i) The prosecuting attorney and defendant shall be permitted to
27 inspect and copy any juvenile files and records of the defendant for the
28 purpose of discovering and verifying the criminal history of the
29 defendant.

30 (j) (1) In any criminal proceeding, any property or material that
31 constitutes a visual depiction, as defined in subsection (a)(2) of section
32 74 of chapter 136 of the 2010 Session Laws of Kansas, and amendments
33 thereto, shall remain in the care, custody and control of either the
34 prosecution, law enforcement or the court.

35 (2) Notwithstanding subsection (b), if the state makes property or
36 material described in this subsection reasonably available to the
37 defendant, the court shall deny any request by the defendant to copy,
38 photograph, duplicate or otherwise reproduce any such property or
39 material submitted as evidence.

40 (3) For the purpose of this subsection, property or material
41 described in this subsection shall be deemed to be reasonably available
42 to the defendant if the prosecution provides ample opportunity for
43 inspection, viewing and examination of such property or material at

an appropriately secured

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1 law enforcement facility, by the defendant, the defendant's attorney and
2 any individual the defendant may seek to qualify to furnish expert
3 testimony at trial.

4 Sec. 2. K.S.A. 2010 Supp. 22-3212 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.
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