



Office of the District Attorney
Eighteenth Judicial District of Kansas
at the Sedgwick County Courthouse
535 N. Main
Wichita, Kansas 67203

Nola Foulston
District Attorney

Marc Bennett
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March 4, 2011

Testimony Regarding HB 2057
Submitted by Marc Bennett, Deputy District Attorney
On Behalf of the Kansas County and District Attorneys Association

Honorable Chairman Owens and Members of the Senate Judiciary Committee:

Thank you for the opportunity to address you regarding House Bill 2057. On behalf of the Kansas County and District Attorneys Association, I would like to bring to your attention issues related to K.S.A. 22-3437, Forensic Examinations; admissibility; certification; notices of proffer and objection to admission.

K.S.A. 22-3437 allows the use of forensic reports from certain delineated laboratories at "any hearing" when a certificate has been prepared by the analyst, supported by written declaration or sworn to before a notary and notice has been provided to the opposing party 20 days prior to the hearing. As necessary, an objection may be lodged by the opposing counsel. In this fashion, these procedural safeguards alleviate issues regarding hearsay and confrontation raised in Melendez-Dias v. Massachusetts.

The proposal of the KCDA is to simply add the Johnson County sheriff's laboratory and the Sedgwick County regional forensic science center to the list of laboratories already in the statute. Time and expense to the many counties that utilize these facilities can be saved by this addition, while still ensuring the protection of due process rights of the accused.

The House passed HB 2057 121-0-0-4. Thank you for your time, attention and consideration in this matter.

Respectfully submitted,

Marc Bennett
Deputy District Attorney
Eighteenth Judicial District

Senate Judiciary
3-4-11
Attachment 3