

## HOUSE BILL No. 2814

By Committee on Corrections and Juvenile Justice

2-11

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9 AN ACT concerning admissible evidence; amending K.S.A. 60-445 and  
10 repealing the existing section.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 60-445 is hereby amended to read as follows: 60-  
14 445. Except as ~~in this article otherwise~~ provided *in this section or article*  
15 *4 of chapter 60 of the Kansas Statutes Annotated, and amendments*  
16 *thereto*, the judge may in ~~his or her~~ *such judge's* discretion exclude evi-  
17 dence if ~~he or she~~ *the judge* finds that its probative value is substantially  
18 outweighed by the risk that its admission will unfairly and harmfully sur-  
19 prise a party who has not had reasonable opportunity to anticipate that  
20 such evidence would be offered. *In a prosecution for any criminal homi-*  
21 *icide, an appropriate photograph of the victim while alive shall be ad-*  
22 *missible evidence when offered by the prosecutor to show the general*  
23 *appearance and condition of the victim while alive.*

24 Sec. 2. K.S.A. 60-445 is hereby repealed.

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