

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 82

As Amended by House Committee on
Judiciary

Brief*

SB 82 would expand the rape shield criminal procedure law to cover any court proceeding. Under current law, this evidentiary limitation applies only to proceedings before a jury.

The rape shield law prohibits the presentation of evidence of the complaining witness/victim's previous sexual conduct with any person including the defendant, unless the court decides this evidence is relevant and otherwise admissible. The bill would allow the defendant the option to make a written motion, which shall be in writing to the court, to admit evidence or testimony concerning the previous sexual conduct of the complaining witness. The bill would add unlawful voluntary sexual relations to the list of prosecutions under which the rape shield law would apply.

Background

SB 82 was supported by the Kansas Coalition Against Sexual and Domestic Violence, the Kansas City Metropolitan Organization to Counter Sexual Assault, and the Domestic Violence Association of Central Kansas.

The House Committee would amend the bill to do the following:

- ! Add the crime of unlawful voluntary sexual relations.
- ! Change the language from "shall" to "may" for a defendant to make a motion, in writing, to admit evidence concerning previous sexual conduct.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- ! Delete the provision regarding intentional and knowing violations that limit the disclosure of any matters relating to the motion, affidavits, and any supporting or responding documents of the motion, which would have been punishable as a misdemeanor.

The fiscal impact of the bill, if any, cannot be estimated.