

Testimony in Support of HB 2782 for the House Committee on Judiciary

February 15, 2024

Chair Humphries, Vice Chair Maughan, Ranking Minority Highberger, and members of the Committee:

I am testifying in support of HB 2782. Kansas needs a way to complete the process for those persons who have committed crimes that warrant the death penalty. This bill provides that mechanism.

The Kansas death penalty law is seldom used, and for good reason. It should only be imposed on those who commit the most heinous crimes. The Kansas death penalty statute is narrow in scope and there are only seven instances where it can be invoked.

According to the Kansas Department of Corrections website there are nine people who have been sentenced to death and are awaiting execution. These people are infamous for their crimes. I won't say their names, but their victims are:

1. Heather Muller
2. Aaron Sander
3. Brad Heyka
4. Jason Befort
5. Jason's girlfriend, who was identified as Holly G. (shot in the head and run over with a car but survived)

6. Paula Guylene Godfrey
7. Lisa Stasi
8. Catherine Frances Clampitt
9. Beverly Bonner
10. Sheila Faith
11. Debbie Faith
12. Izabela Lewicka
13. Suzette Trouten

14. Miki Martinez
15. Darren Wornkey

16. Sheriff Matthew Samuels

17. Carrie Williams

18. Jodi Sanderholm

19. Karen Kahler

20. Lauren Kahler

21. Emily Kahler

22. Dorothy Wight

23. Kaylie Bailey

24. Lana Bailey

25. Andrew Stout

26. Steven White

Nine people sentenced to death. Twenty-five people murdered and one person left grievously injured. Twenty-six victims.

All but three of the persons convicted of capital murder killed more than one person. Well over half of the victims suffered being raped and/or other sexual abuse prior to their murder.

The only problem with the Kansas Capital Murder statutes is that the mechanism for carrying out the sentence is a shortage of the substance or substances needed to do so. This bill alleviates that problem and lets the sentence be carried out – after all lawful appeals have been exhausted.

My daughter, Kelsey Smith, was kidnapped, raped, sodomized, and strangled to death.

The Capital murder statute (K.S.A. 21-5401) states the following crimes are subject to capital punishment:

- Intentional and premeditated killing of any person in the commission of kidnapping, or aggravated kidnapping.
- Intentional and premeditated killing of any person in a contract killing.
- Intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail.
- Intentional and premeditated killing of the victim of one of the following crimes in the commission of, or after, such crime: rape, aggravated criminal sodomy.
- Intentional and premeditated killing of a law enforcement officer.
- Intentional and premeditated killing of more than one person as a part of the same act.

- Intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping or aggravated kidnapping with intent to commit a sex offense upon the child.

As you can see, Kelsey's killer qualified as a capital murder case and her murderer was charged with capital murder.

After many lengthy hearings, he chose to plea to all the charges in exchange for taking the death penalty off the table. He is now sentenced to life without parole in a Kansas prison.

The victim's families must endure endless appeals before justice is finally administered to these killers. It is an agonizing process for them that lasts years. I know this because I am friends with one of the families of one of the victims on the list.

It is time to let justice take its course for these families and this bill allows that to happen.

I strongly urge the committee to recommend this bill favorably for passage.

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