

SENATE BILL No. 242

By Committee on Judiciary

2-10

1 AN ACT enacting the cold case homicide victims' families' rights act;
2 providing for a system for reviewing the case files of cold case
3 homicides upon written application by certain persons.
4

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

6 Section 1. (a) Sections 1 through 9, and amendments thereto, shall be
7 known and may be cited as the cold case homicide victims' families' rights
8 act.

9 (b) The act applies to any cold case homicide occurring on and after
10 January 1, 1970.

11 (c) As used in the act:

12 (1) "Agency" means a state or local law enforcement agency with
13 jurisdiction to engage in the detection, investigation or prosecution of a
14 cold case homicide.

15 (2) "Cold case homicide" means a homicide:

16 (A) Committed more than three years prior to the date of an
17 application by a designated person under section 2, and amendments
18 thereto;

19 (B) previously investigated by a state or local law enforcement
20 agency;

21 (C) for which all probative investigative leads have been exhausted;
22 and

23 (D) for which no likely perpetrator has been identified.

24 (3) "Designated person" means an immediate family member or
25 someone similarly situated, as determined by the agency.

26 (4) "Immediate family member" means a parent, parent-in-law,
27 grandparent, grandparent-in-law, sibling, spouse, child or stepchild of a
28 homicide victim.

29 (5) "Victim" means a natural person who died as a result of a cold
30 case homicide.

31 Sec. 2. (a) Each agency shall develop a written application to be used
32 for designated persons to request a case file review under this section.

33 (b) The head of an agency shall review the case file regarding a cold
34 case homicide upon written application by one designated person to
35 determine if a full reinvestigation would result in either the identification
36 of probative investigative leads or a likely perpetrator.

1 (c) The review under subsection (b) shall include:

2 (1) An analysis of what investigative steps or follow-up steps may
3 have been missed in the initial investigation;

4 (2) an assessment of whether witnesses should be interviewed or
5 reinterviewed;

6 (3) an examination of physical evidence to see if all appropriate
7 forensic testing and analysis was performed in the first instance or if
8 additional testing might produce information relevant to the investigation;
9 and

10 (4) an update of the case file using the most current investigative
11 standards as of the date of the review to the extent it would help develop
12 probative leads.

13 (d) In any case in which a written application for review has been
14 received under the cold case homicide victims' families' rights act by the
15 agency, review is not warranted if the case does not satisfy the criteria for
16 a cold case homicide. In such a case, the head of the agency shall issue a
17 written certification. A copy of such written certification shall be provided
18 to the designated person that made the application under this section,
19 stating that final review is not warranted because all probative
20 investigative leads have been exhausted or that a likely perpetrator will not
21 be identified.

22 (e) A review required under this section shall not be conducted by a
23 person who previously investigated the homicide at issue.

24 (f) The agency shall provide in writing to the applicant as soon as
25 reasonably possible:

26 (1) Confirmation of the agency's receipt of the application under this
27 section; and

28 (2) notice of the applicant's rights under the cold case homicide
29 victims' families' rights act.

30 (g) Only one case file review shall be undertaken at any one time
31 with respect to the same cold case homicide victim.

32 (h) Not later than six months after the receipt of the written
33 application submitted pursuant to this section, the agency shall conclude
34 its case file review and reach a conclusion about whether or not a full
35 reinvestigation under section 4, and amendments thereto, is warranted.

36 (i) (1) The agency may extend the time limit under subsection (h)
37 once for a period of time not to exceed six months if the agency makes a
38 finding that the number of case files to be reviewed make it impracticable
39 to comply with such limit without unreasonably taking resources from
40 other law enforcement activities.

41 (2) For cases for which the time limit in subsection (h) is extended,
42 the agency shall provide notice and an explanation of its reasoning to the
43 designated person who filed the written application pursuant to this

1 section.

2 Sec. 3. (a) The agency shall conduct a full reinvestigation of the cold
3 case homicide at issue if the review of the case file required by section 2,
4 and amendments thereto, concludes that a full reinvestigation of such cold
5 case homicide would result in probative investigative leads.

6 (b) A full reinvestigation shall include analyzing all evidence
7 regarding the cold case homicide at issue for the purpose of developing
8 probative investigative leads or a likely perpetrator.

9 (c) A reinvestigation required under subsection (a) shall not be
10 conducted by a person who previously investigated the homicide at issue.

11 (d) Only one full reinvestigation shall be undertaken at any one time
12 with respect to the same cold case homicide victim.

13 Sec. 4. (a) The agency shall consult with the designated person who
14 filed the written application pursuant to section 2, and amendments
15 thereto, and provide the person with periodic updates during the case file
16 review and full reinvestigation.

17 (b) The agency shall meet with the designated person and discuss the
18 evidence to explain to the designated person who filed the written
19 application pursuant to section 2, and amendments thereto, its decision
20 whether or not to engage in the full reinvestigation provided for under
21 section 4, and amendments thereto, at the conclusion of the case file
22 review.

23 Sec. 5. (a) (1) If the review of the case file required by section 2, and
24 amendments thereto, is conducted and a conclusion is reached not to
25 conduct a full reinvestigation, no additional case file review shall be
26 required to be undertaken under the cold case homicide victims' families'
27 rights act with respect to that cold case homicide for a period of five years
28 unless there is newly discovered, materially significant evidence.

29 (2) An agency may continue an investigation without a designated
30 person's application.

31 (b) If a full reinvestigation of a cold case homicide is completed and a
32 suspect is not identified at its conclusion, no additional case file review or
33 full reinvestigation shall be undertaken with regard to that cold case
34 homicide for a period of five years beginning on the date of the conclusion
35 of the reinvestigation unless there is newly discovered, materially
36 significant evidence.

37 Sec. 6. (a) On July 1, 2026, and annually thereafter, the director of the
38 Kansas bureau of investigation shall publish statistics on the number of
39 cold case homicides.

40 (b) The statistics published pursuant to subsection (a) shall, at a
41 minimum, be disaggregated by the circumstances of the cold case
42 homicide, including the classification of the offense, and by agency.

43 Sec. 7. (a) On or before July 1, 2024, the head of each agency shall

1 adopt a detailed, written policy to ensure the right of a designated person
2 to request a review under the cold case homicide victims' families' rights
3 act and ensure compliance by the agency with the requirements of the act.

4 (b) The policy adopted under subsection (a) shall:

5 (1) Designate an administrative authority within the agency to receive
6 and investigate complaints relating to a review initiated under section 2,
7 and amendments thereto, or a reinvestigation initiated under section 4, and
8 amendments thereto;

9 (2) require a course of training for appropriate employees and officers
10 within the agency regarding the procedures, responsibilities and
11 obligations required under the cold case homicide victims' families' rights
12 act;

13 (3) contain disciplinary sanctions, which may include suspension or
14 termination from employment, for employees of the agency who are
15 shown to have knowingly failed to comply with the cold case homicide
16 victims' families' rights act;

17 (4) provide a procedure for the resolution of complaints filed by the
18 designated person concerning the agency's handling of a cold case
19 homicide investigation or the case file evaluation; and

20 (5) provide that the head of the agency, or the designee thereof, shall
21 make the final decision regarding the complaint and that there shall be no
22 judicial review of the final decision of the head of the agency by a
23 complainant.

24 Sec. 8. Nothing in the cold case homicide victims' families' rights act
25 shall require an agency to provide information that would endanger the
26 safety of any person, unreasonably impede an ongoing investigation,
27 violate a court order or violate legal obligations regarding privacy.

28 Sec. 9. If more than one agency conducted the initial investigation of
29 a cold case homicide, each agency shall coordinate their case file review or
30 full reinvestigation such that there is only one joint case file review or full
31 reinvestigation occurring at a time in compliance with section 2 or 4, and
32 amendments thereto, as applicable.

33 Sec. 10. This act shall take effect and be in force from and after its
34 publication in the statute book.