

**Senate Judiciary Committee
February 14, 2017
Senate Bill 125**

**Testimony of the
Kansas Association of Criminal Defense Lawyers
Proponent**

Dear Chairman Wilborn and Members of the Committee:

We are very thankful that this bill has been introduced. We are honored to be a conferee alongside so many wonderful advocates. One thing we want to address is the bill's failure to compensate those people who plead rather than have a trial.

People plead to crimes they did not do. A new project of the Innocence Project and the Innocence Network takes on this issue. The National Registry of Exonerations has identified 345 exonerees who pleaded guilty to crimes they did not commit. As the website explains, "[w]hen that many innocent people are agreeing to their own wrongful convictions, it is time to recognize that something is very wrong. The plea system is not a bargain, it's a problem--at least for the innocent." <http://guiltypleaproblem.org/>

According to the Kansas Courts' annual reports for 2015 and 2016, an average of 97% of felony cases resulting in a conviction were pleas.

In 2013, the Legislature made significant changes in the sentences for murder. The presumptive sentence for premeditated first degree murder increased from Life/Hard 25 to Life/Hard 50. The sentence for felony murder increased from Life/Hard 20 to Life/Hard 25. Also in 2013, the Legislature created the crime of attempted capital murder, which carries a sentence of Life/Hard 25. The sentence for capital murder when the jury does not impose death is life without the possibility of parole. The presumptive sentence for second degree murder is 147 to 653 months, depending on the defendant's criminal history. The presumptive sentence for first-time Jessica's Law offenses is Life/Hard 25. If you look at our sentencing grid, you can see the lengthy sentencing ranges for other serious offenses.

In short, often the risks are too great for people to take their cases to trial. As a result, innocent people plead to things they did not do. Consequently, we strongly urge this Committee to amend the bill to allow defendants who entered pleas and who are later exonerated to be eligible for compensation.

Thank you for your consideration,

Jennifer Roth
co-chair, Legislative Committee, on behalf of Kansas Association of Criminal Defense Lawyers
jrothlegislative@gmail.com
785.550.5365
P.O. Box 296
Lawrence, Kansas 66044