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SENATE CHAMBER

**DAVID B. HALEY**  
SENATOR  
DISTRICT 4  
WYANDOTTE COUNTY

BEFORE THE SENATE JUDICIARY COMMITTEE  
IN SUPPORT OF SENATE BILL 428 ( 2016 )  
AN ACT. . . ; RELATING TO EYEWITNESS IDENTIFICATIONS  
Thursday, March 17, 2016 1:30 AM

Chairman Barker; Vice-Chairman Macheers; Ranking Member Carmichael AND Members of the House Judiciary Committee: The Top of the Afternoon to you All !

Thank you for the opportunity to review the merits of Sub for SB 428 as amended by the Senate Committee of the Whole with you today. As one of the longer serving members in our Kansas Legislature, it has grown increasingly apparent to me that we must do a better job in Kansas to insure accuracy and reason for a pedestrian or traffic stop and/or arrest by law enforcement. Further that wherein law enforcement and prosecutors are relying on eyewitness testimony, mistaken identification of a suspect or defendant by an eyewitness is the basis for an estimated 74% of all wrongful convictions.

The original SB 428 mandated the use of accurate, peer-reviewed practices in the administration of EYEWITNESS IDENTIFICATION procedures. Again, the sole intent of the bill as originally introduced is simply geared towards ACCURACY in suspect ID. ABA approved, half of the U.S. either have, or are now working on implementing procedures found in the original SB 428.

Philosophically, I hope we might all agree that it is in the true interests of society and of justice to try and to convict the actual culprit responsible for the commission of any crime. However, as of 2015, out of 322 exonerations (nationwide) most due to DNA, again approximately 74% have been attributed to mistaken eyewitness identification. Whether in a state statute or adjudicated arbitrarily though some tribunal (such as a Claims Against the State committee), States have paid heavily for exonerations based on wrongful convictions; estimated cumulatively at \$875 million. (I have introduced another bill, SB 430, which regrettably seems to be dead for the Session, to provide, as 30 other States already have, continuity in compensation for those innocent "defendants" who were found to be wrongfully convicted and a companion House bill to SB 430 was introduced here in the House.)

However, this version of SB 428 still gives some clear, though, in my opinion watered-down, procedures to law enforcement at our training center designed to reduce the incidence of convicting the wrong person based on faulty eyewitness(es). These procedures are simple and inexpensive to adopt and to consistently implement. I'll be happy to stand for any questions.

COMMITTEE ASSIGNMENTS

JUDICIARY  
PUBLIC HEALTH & WELFARE  
ETHICS, ELECTIONS & LOCAL GOVERNMENT

JOINT COMMITTEE ASSIGNMENTS

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STATE TRIBAL RELATIONS CHILDREN'S ISSUES  
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