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**Testimony in Support of House Bill 2229**

**Presented to the House Committee on Children and Seniors  
By Deputy Attorney General Steve Karrer**

**January 22, 2020**

Chairman Concannon and Members of the Committee:

Thank you for the opportunity to present this written testimony on behalf of Kansas Attorney General Derek Schmidt in support of House Bill 2229.

House Bill 2229 would amend K.S.A. 39-981, by removing restrictions on the use of certain recordings in court proceedings. The Kansas Rules of Evidence and case law separately provide standards and safeguards which govern the admission of recordings in court proceedings. The current language of K.S.A. 39-981 potentially excludes video or audio recordings which would otherwise be admissible if not made inside the room of a resident at a nursing home. This potential exclusion of evidence would result in less protection for a resident of a nursing home than someone who is not a resident. There is no justification for these differing standards.

If K.S.A. 39-981 is not amended, the potential exists that critical evidence of abuse, neglect, and exploitation may not be considered by state agencies and/or not admitted into evidence at a criminal or civil proceeding. This unnecessarily reduces the protections of elders and dependent adults afforded by other Kansas statutes.

For these reasons, on behalf of Kansas Attorney General Derek Schmidt, I encourage you to report HB 2229 out of committee favorably.

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