

HOUSE BILL No. 2555

AN ACT concerning crimes, punishment and criminal procedure; relating to the criminal justice recodification, rehabilitation and restoration committee; joint committee on corrections and juvenile justice oversight; amending K.S.A. 2005 Supp. 22-5101 and repealing the existing section; reviving and amending K.S.A. 2005 Supp. 46-2801 and repealing the revived section.

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

Section 1. K.S.A. 2005 Supp. 22-5101 is hereby amended to read as follows: 22-5101. (a) There is hereby created the Kansas criminal justice recodification, rehabilitation and restoration project.

(b) The project shall:

(1) Re-codify the Kansas criminal code by:

(A) Analyzing and reviewing all criminal statutes and criminal procedure, making recommendations for legislation that would ensure that the sentences are appropriate and proportionate to other sentences imposed for criminal offenses, with particular emphasis on the sentencing guidelines grid for drug crimes.

(B) Studying and making recommendations concerning the statutory definitions of crimes and criminal penalties and evaluate whether certain criminal conduct may be combined into one criminal statute, thus alleviating any potential problems of having two statutes prohibiting the same criminal conduct.

(C) Reviewing and making recommendations concerning proposed criminal law modifications and amendments.

(D) Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and review possible adjustments which may relieve or eliminate prison capacity issues in Kansas.

(E) Reviewing the enactment of K.S.A. 2005 Supp. 21-4729, and amendments thereto, the nonprison sanction of certified drug abuse treatment programs for certain offenders, and review and recommend how best to enhance the sentence for an offender who is not subject to treatment.

(2) Identify ways to rehabilitate offenders and to work with offenders on community-based supervision by:

(A) For all offenders:

(i) Establishing an assessment and classification system whereby offenders are classified into those who can correct their criminal behavior and have a successful reentry upon release and those who are offenders who continue to be a threat to society and need to be incarcerated or incarcerated for longer periods of time.

(ii) Studying and reviewing programs which hold offenders responsible and accountable for such offender's actions and reduces recidivism.

(B) For reentry:

(i) Reviewing all correctional programs and study ways to more effectively utilize the monies being spent on such programs to reduce prison population and recidivism, particularly programs which target nonviolent offenders to earn early release by participating in rehabilitative programs while incarcerated then completing the transition by reintegration into the community and obtaining gainful employment and housing. Such rehabilitative programs may include programs which modify criminogenic behavior, enhance education, and provide job training and substance abuse treatment.

(ii) Reviewing and recommending treatment programs for mental health, drug abuse and alcohol abuse, and to provide any necessary and appropriate collaboration and cooperation among governmental agencies and services to such end.

(C) Reviewing all current research concerning criminal behavior, focusing on rehabilitating criminals in prison and upon reentry into the community and recommend a course of action.

(D) Reviewing and recommending reentry initiatives, for continuity between institutional programs and activities, offenders' reentry plans, and the supervision and services offenders receive once released, and necessary collaboration among corrections, law enforcement, and community service agencies for appropriate offender monitoring to assist in meeting the needs of the offender and the offender's family and ensure that safe communities are maintained.

(E) Make recommendations concerning reentry initiatives for serious, violent offenders based on current research and collaborative opportunities identified.

(F) Consider and harness the resources and experience of faith-based, volunteer, advocacy and community organizations to help returning offenders contribute to society.

(3) Identify ways to restore the offender into society as a productive member:

(A) Reviewing transitional programs such as mentoring, available treatment, supervised and transitional housing, basic job training and placement, and correctional industry and work release programs which assist offenders to reintegrate into the community.

(B) Establishing community networks which would support and assist the offender upon release. Such support may include assisting the offender to learn about parenting and the role of the family, and to have a productive relationship with such offender's family, including being a positive and responsible parent and spouse, providing mentoring for children of prisoners, and plans for the whole family.

(C) Recommending release planning processes that ensure each offender has an individual goal-driven release plan that targets such offender's risks and needs, and which assures the safety of our Kansas communities.

(c) The project shall be governed by a committee made up of the following members:

(1) One legislator shall be appointed by the president of the senate;

(2) one legislator shall be appointed by the minority leader of the senate;

(3) one legislator shall be appointed by the speaker of the house of representatives;

(4) one legislator shall be appointed by the minority leader of the house of representatives;

(5) one member of the judicial branch appointed by the chief justice of the supreme court;

(6) one member of the law enforcement community appointed by the attorney general;

(7) one defense attorney or public defender appointed by the governor;

(8) one county attorney or district attorney appointed by the Kansas county and district attorney association;

(9) a professor of law from the university of Kansas school of law and a professor from Washburn university school of law appointed by the deans of such schools;

(10) a drug and alcohol addiction treatment provider appointed by the governor;

(11) one district court judge appointed by the Kansas district judges association;

(12) one member representative of the faith-based community appointed by the governor;

(13) one member representative of the criminal justice field appointed by the secretary of corrections; and

(14) the attorney general, the secretary of corrections, the secretary of social and rehabilitation services and the commissioner of juvenile justice, or such persons' designees, shall serve as ex officio, nonvoting members of the committee.

(d) The members of the committee shall elect officers from among its members necessary to discharge its duties. The committee shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(e) Each member of the committee shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the committee shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on committee activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.

(f) The committee shall have the authority to:

(1) Organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such committee's duties;

- (2) accept grants, gifts and other appropriation of funds;
- (3) hire and employ staff persons; and
- (4) contract for the services of organizations and agencies in any evaluation or report necessary for the discharge of the committee's duties.

(g) The committee shall work with the Kansas judicial council, the department of corrections, the department of social and rehabilitation services, the juvenile justice authority and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(h) The committee shall prepare and submit its interim report to the legislature on or before February 1, 2005. A final report and recommendations shall be submitted to the legislature on or before January 9, ~~2006~~ 2007.

(i) The staff of the office of the revisor of statutes and legislative research department shall provide such assistance as may be requested by the committee and to the extent authorized by the legislative coordinating council.

(j) The provisions of this section shall expire on ~~July 1~~ March 31, ~~2006~~ 2007.

Sec. 2. K.S.A. 2005 Supp. 46-2801 is hereby revived and amended to read as follows: 46-2801. (a) There is hereby created the joint committee on corrections and juvenile justice oversight which shall be within the legislative branch of state government and which shall be composed of no more than seven members of the senate and seven members of the house of representatives.

(b) The senate members shall be appointed by the president and the minority leader. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

(c) The seven representative members shall be appointed as follows:

(1) Two members shall be members of the majority party who are members of the house committee on appropriations and shall be appointed by the speaker;

(2) two members shall be members of the majority party who are members of the house committee on ~~corrections and juvenile justice~~ *judiciary* and shall be appointed by the speaker; and

(3) three members shall be members of the minority party who are members of the house committee on appropriations or the house committee on ~~corrections and juvenile justice~~ *judiciary* and shall be appointed by the minority leader.

(d) Any vacancy in the membership of the joint committee on corrections and juvenile justice oversight shall be filled by appointment in the manner prescribed by this section for the original appointment.

(e) All members of the joint committee on corrections and juvenile justice oversight shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. The joint committee shall organize annually and elect a chairperson and vice-chairperson in accordance with this subsection. During odd-numbered years, the chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the senate members elected by the members of the joint committee. During even-numbered years, the chairperson shall be one of the senate members of the joint committee elected by the members of the joint committee and the vice-chairperson shall be one of the representative members of the joint committee elected by the members of the joint committee. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, a member of the joint committee, who is a member of the same house as the member who vacated the office, shall be elected by the members of the joint committee to fill such vacancy. Within 30 days after the effective date of this act, the joint committee shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this act.

(f) A quorum of the joint committee on corrections and juvenile jus-

tice oversight shall be eight. All actions of the joint committee shall be by motion adopted by a majority of those present when there is a quorum.

(g) The joint committee on corrections and juvenile justice oversight may meet at any time and at any place within the state on the call of the chairperson, vice-chairperson and ranking minority member of the house of representatives when the chairperson is a representative or of the senate when the chairperson is a senator.

(h) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on corrections and juvenile justice oversight to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(i) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on corrections and juvenile justice oversight.

(j) The joint committee on corrections and juvenile justice oversight may introduce such legislation as it deems necessary in performing its functions.

(k) In addition to other powers and duties authorized or prescribed by law or by the legislative coordinating council, the joint committee on corrections and juvenile justice oversight shall:

(1) Monitor the inmate population and review and study the programs, activities and plans of the department of corrections regarding the duties of the department of corrections that are prescribed by statute, including the implementation of expansion projects, the operation of correctional, food service and other programs for inmates, community corrections, parole and the condition and operation of the correctional institutions and other facilities under the control and supervision of the department of corrections;

(2) monitor the establishment of the juvenile justice authority and review and study the programs, activities and plans of the juvenile justice authority regarding the duties of the juvenile justice authority that are prescribed by statute, including the responsibility for the care, custody, control and rehabilitation of juvenile offenders and the condition and operation of the state juvenile correctional facilities under the control and supervision of the juvenile justice authority;

(3) review and study the adult correctional programs and activities and facilities of counties, cities and other local governmental entities, including the programs and activities of private entities operating community correctional programs and facilities and the condition and operation of jails and other local governmental facilities for the incarceration of adult offenders;

(4) review and study the juvenile offender programs and activities and facilities of counties, cities, school districts and other local governmental entities, including programs for the reduction and prevention of juvenile crime and delinquency, the programs and activities of private entities operating community juvenile programs and facilities and the condition and operation of local governmental residential or custodial facilities for the care, treatment or training of juvenile offenders;

(5) study the progress and results of the transition of powers, duties and functions from the department of social and rehabilitation services, office of judicial administration and department of corrections to the juvenile justice authority; and

(6) make an annual report to the legislative coordinating council as provided in K.S.A. 46-1207, and amendments thereto, and such special reports to committees of the house of representatives and senate as are deemed appropriate by the joint committee.

~~(4) The provisions of this section shall expire on December 31, 2005.~~

Sec. 3. K.S.A. 2005 Supp. 22-5101 and 46-2801, as revived by this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.