

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF ON
HOUSE SUBSTITUTE FOR SENATE BILL NO. 45**

As Agreed to April 1, 2004

Brief*

The bill would create the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project. The project would analyze, study, and review all criminal statutes and procedures of the state, along with the severity of the Kansas Sentencing Guidelines in relation to other states. A committee would be required to submit an interim report to the Legislature on or before February 1, 2005. A final report and recommendations would be submitted to the Legislature before January 9, 2006.

The project would be overseen by a committee which would include four legislators, a representative of the Chief Justice of the Supreme Court, a member of the law enforcement community, a defense attorney, a professor of law from both the University of Kansas and Washburn University, a drug and alcohol addiction treatment provider, a district court judge, a representative of the faith-based community, a representative of the criminal justice field, and four members of the general public. The Attorney General, Secretary of Corrections, Secretary of Social and Rehabilitation Services, and Commissioner of the Juvenile Justice Authority would be ex officio members. The non-public members would receive compensation, subsistence allowances, mileage, and other expenses, as provided in KSA 75-3223. The public and legislative members would receive compensation as provided in KSA 75-3212.

The effective date is publication in the *Kansas Register*. These provisions are from HB 2941.

Conference Committee Action

The Conference Committee agreed to do the following:

- ! Delete the four members of the general public on the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project.
- ! Add provisions whereby the Secretary of Corrections will develop a comprehensive plan for the expansion of maximum, medium and

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

minimum security prison capacity, for specialized facilities and for a training academy. In developing such plan, the secretary shall engage in discussions with local units of government in jurisdictions in which department of corrections facilities are situated. The secretary shall present such plan to the legislature not later than February 1, 2005. The secretary is authorized to enter into agreements with Woodson County, or with any municipality within Woodson County, in preparation for the expansion of the minimum security correctional facility at Toronto to house additional medium or minimum security male inmates or for the development of related correctional facilities in Woodson County. The secretary is authorized to enter into agreements with Rooks County, or with any municipality within Rooks County, in preparation for the expansion of the minimum security correctional facility at Stockton to house additional medium or minimum security male inmates or for the development of related correctional facilities in Rooks County. In carrying out duties under this section, the secretary will coordinate with the Kansas criminal justice recodification, rehabilitation and restoration project committee and with the Kansas Sentencing Commission.

Background

SB 45, as drafted, would establish a \$100 application fee to be assessed when an indigent defendant is released prior to trial whether on bail or under another form of recognizance. The receipts from the fee would be deposited in the Indigents' Defense Services Fund of the Board of Indigents' Defense Services. The new fee would replace the \$35 administrative fee currently assessed at a judge's discretion at the end of the trial.

The Senate Committee on Ways and Means introduced the original bill upon the request of the Board of Indigents' Defense Services (BIDS). The Executive Director of BIDS appeared before the Committee in favor of the bill. There were no opponents presenting testimony. The fiscal note prepared by the Division of the Budget on the original bill estimates additional annual revenue of between \$370,500 and \$527,000 to the Indigents' Defense Services Fund. The Senate Committee amended the bill to include the provision that the fee be assessed at the time the indigent defendant is released prior to trial whether on bail or under another form of recognizance. The fiscal effect of the substitute bill is unknown.