

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF
SENATE SUBSTITUTE FOR HOUSE BILL NO. 2043**

As Agreed to April 2, 2013

Brief*

Senate Sub. for HB 2043 would amend the statute setting forth the duties of the Attorney General to clarify that the Attorney General shall represent the State in “any and all” actions in the Kansas Supreme Court, Kansas Court of Appeals, and in all federal courts in which the state shall be interested or a party. The bill would clarify that the Attorney General, when so appearing, shall control the state’s prosecution or defense.

The bill also would amend the law concerning notice required in capital murder cases that a county or district attorney intends to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. The bill would allow the Attorney General to file notice in cases where the county or district attorney or a court determines a conflict exists. The bill also would change “county or district attorney” to “prosecuting attorney” to reflect the Attorney General’s ability to file notice.

Conference Committee Action

The Conference Committee agreed to the version of Senate Sub. for HB 2043 passed by the Senate and further agreed to add the contents of HB 2389, regarding notice in capital murder cases, as passed by the House.

*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. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

Background

HB 2043, as introduced, would have amended the definition of the crime of aggravated battery. After the Senate Committee on Judiciary added the contents of that bill to HB 2218, the Committee agreed to delete the contents of HB 2043 and insert the contents of SB 228, regarding the duties of the Attorney General.

In the Senate Judiciary Committee, a representative of the Attorney General's Office appeared in support of SB 228, explaining the Office had requested the bill to clarify the responsibility of the Attorney General to represent the State before Kansas appellate courts and federal courts. Attorney General Derek Schmidt submitted written testimony supporting the bill. There was no other testimony.

The Senate Committee inserted the contents of SB 228 into HB 2043 and further amended the bill to add the Kansas Court of Appeals to the list of courts in which the Attorney General would be required to represent the State.

The fiscal note prepared by the Division of the Budget indicates SB 228, as introduced, would have no fiscal effect.

Background of HB 2389

In the House Committee on Corrections and Juvenile Justice, a representative of the Attorney General's Office appeared in support of the bill. There were no other conferees.

The fiscal note prepared by the Division of the Budget for the bill indicates passage may reduce the number of appeals handled by the Attorney General, resulting in agency savings. The precise fiscal impact is unknown.

attorney general; representation of the state in civil and criminal proceedings; notice of intent to seek the death penalty

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