

SENATE BILL No. 66

By Senator Smith

1-24

1 AN ACT concerning county and district attorneys; relating to criminal and
2 juvenile offender caseload information; amending K.S.A. 19-702 and
3 22a-104 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 19-702 is hereby amended to read as follows: 19-
7 702. (a) Except as otherwise provided in this section, it shall be the duty of
8 the county attorney to:

9 (1) Appear in any court having jurisdiction within the county and
10 prosecute or defend on behalf of the people all actions and proceedings,
11 civil or criminal, in which the state or the county is a party or interested-;

12 (2) *publish a monthly report of all criminal actions and proceedings*
13 *and juvenile offender proceedings, in a manner that is accessible to the*
14 *public. The report shall include, but not be limited to, the following:*

15 (A) *The total number of all cases charged by the county attorney's*
16 *office;*

17 (B) *the total number of filed criminal cases organized according to*
18 *felony and misdemeanor status and a list designating the specific charges*
19 *filed and the disposition of each case, whether it resulted in a dismissal,*
20 *plea bargain agreement, diversion agreement or conviction; and*

21 (C) *the total number of proceedings filed concerning juvenile*
22 *offenders, as defined in K.S.A. 2012 Supp. 38-2302, and amendments*
23 *thereto, and a list designating the specific offenses which if committed by*
24 *an adult would constitute the commission of a felony or misdemeanor, and*
25 *the disposition of each proceeding, whether it resulted in a dismissal, plea*
26 *bargain agreement, diversion agreement or adjudication; and*

27 (3) *file the monthly report with the office of the attorney general.*
28 *Such report shall be an open public record and shall be posted on the*
29 *official website of the attorney general.*

30 (b) No county attorney shall be required to appear in any civil action
31 or proceeding which relates to the operation of the county hospital. The
32 county attorney may appear in any such civil action or proceeding at the
33 county attorney's discretion, when requested by the board of county
34 commissioners or the board of the county hospital.

35 Sec. 2. K.S.A. 22a-104 is hereby amended to read as follows: 22a-
36 104. (a) Except as otherwise provided in this section, it shall be the duty of

1 the district attorney to:

2 (1) Appear in the several courts of the judicial district in which the
3 district attorney is elected and to prosecute or defend, on behalf of the
4 people therein, all matters arising under the laws of this state, and such
5 civil matters as are instituted by the district attorney, in which the state or
6 any county in such judicial district is a party or has an interest. Any power
7 or duty now conferred or imposed by law upon all county attorneys within
8 their respective counties shall be exercised or performed by district
9 attorneys within their respective districts, or by any of their assistants or
10 deputies provided for in ~~this act~~. *article 1 of chapter 22a of the Kansas*
11 *Statutes Annotated, and amendments thereto;*

12 (2) *publish a monthly report of all criminal actions and proceedings*
13 *and juvenile offender proceedings, in a manner that is accessible to the*
14 *public. The report shall include, but not be limited to, the following:*

15 (A) *The total number of all cases filed by the district attorney's office;*

16 (B) *the total number of filed criminal cases organized according to*
17 *felony or misdemeanor status and a list designating the specific charges*
18 *filed and the disposition of each case, whether it resulted in a dismissal,*
19 *plea bargain agreement, diversion agreement or conviction; and*

20 (C) *the total number of proceedings filed concerning alleged juvenile*
21 *offenders, as defined in K.S.A. 2012 Supp. 38-2302, and amendments*
22 *thereto, and a list designating the specific offenses which if committed by*
23 *an adult would constitute the commission of a felony or misdemeanor, and*
24 *the disposition of each proceeding, whether it resulted in a dismissal, plea*
25 *bargain agreement, diversion agreement or adjudication; and*

26 (3) *file the monthly report with the office of the attorney general.*
27 *Such report shall be an open public record and shall be posted on the*
28 *official website of the attorney general.*

29 (b) No district attorney shall be required to appear in any civil action
30 or proceeding which relates to the operation of any county hospital of any
31 county in the judicial district. The district attorney may appear in any such
32 civil action or proceeding at the district attorney's discretion, when
33 requested by the board of county commissioners or the board of the county
34 hospital.

35 Sec. 3. K.S.A. 19-702 and 22a-104 are hereby repealed.

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