

SENATE BILL No. 89

By Committee on Corrections and Juvenile Justice

1-27

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 *person felony, nonperson felony or misdemeanor classification, and a list*
19 *indicating 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 alleged juvenile*
22 *offenders, as defined in K.S.A. 2014 Supp. 38-2302, and amendments*
23 *thereto, organized according to offense which if committed by an adult*
24 *would constitute the commission of a person felony, nonperson felony or*
25 *misdemeanor, and a list indicating the disposition of each proceeding,*
26 *whether it resulted in a dismissal, plea bargain agreement, diversion*
27 *agreement or adjudication; and*

28 (3) *file the monthly report described in subsection (a)(2) with the*
29 *office of the attorney general. Such report shall be an open public record*
30 *and shall be posted on the official website of the attorney general.*

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

36 Sec. 2. K.S.A. 22a-104 is hereby amended to read as follows: 22a-

1 104. (a) Except as otherwise provided in this section, it shall be the duty of
2 the district attorney to:

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

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

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

18 (B) *the total number of filed criminal cases organized according to*
19 *person felony, nonperson felony or misdemeanor classification, and a list*
20 *indicating the disposition of each case, whether it resulted in a dismissal,*
21 *plea bargain agreement, diversion agreement or conviction; and*

22 (C) *the total number of proceedings filed concerning alleged juvenile*
23 *offenders, as defined in K.S.A. 2014 Supp. 38-2302, and amendments*
24 *thereto, organized according to offense which if committed by an adult*
25 *would constitute the commission of a person felony, nonperson felony or*
26 *misdemeanor, and a list indicating the disposition of each proceeding,*
27 *whether it resulted in a dismissal, plea bargain agreement, diversion*
28 *agreement or adjudication; and*

29 (3) *file the monthly report described in subsection (a)(2) with the*
30 *office of the attorney general. Such report shall be an open public record*
31 *and shall be posted on the official website of the attorney general.*

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

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

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