

## HOUSE BILL No. 2429

By Representatives Owens and Finney

12-17

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1 AN ACT concerning the Kansas criminal justice reform commission;  
2 relating to membership; public defender; amending K.S.A. 2019 Supp.  
3 21-6902 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2019 Supp. 21-6902 is hereby amended to read as  
7 follows: 21-6902. (a) There is hereby created the Kansas criminal justice  
8 reform commission.

9 (b) The commission shall:

10 (1) Analyze the sentencing guidelines grids for drug and nondrug  
11 crimes and make recommendations for legislation that would ensure  
12 sentences are appropriate;

13 (2) review the sentences imposed for criminal conduct to determine  
14 whether the sentences are proportionate to other sentences imposed for  
15 criminal offenses;

16 (3) analyze diversion programs utilized throughout the state and make  
17 recommendations with respect to expanding diversion options and  
18 implementation of a state-wide diversion standards;

19 (4) review the supervision levels and programming available for  
20 offenders who serve sentences for felony offenses on community  
21 supervision;

22 (5) study specialty courts and make recommendations for the use of  
23 specialty courts throughout the state;

24 (6) survey the availability of evidence-based programming for  
25 offenders provided both in correctional facilities and in the community,  
26 and make recommendations for changes in available programming;

27 (7) study the policies of the department of corrections for placement  
28 of offenders within the correctional facility system and make  
29 recommendations with respect to specialty facilities, including, but not  
30 limited to, geriatric, healthcare and substance abuse facilities;

31 (8) evaluate existing information management data systems and make  
32 recommendations for improvements to data systems that will enhance the  
33 ability of criminal justice agencies to evaluate and monitor the efficacy of  
34 the criminal justice system at all points in the criminal justice process; and

35 (9) study other matters, that, as the commission determines, are  
36 appropriate and necessary to complete a thorough review of the criminal

- 1 justice system.
- 2 (c) The commission shall be made of the following members:
- 3 (1) One member of the Kansas senate appointed by the president of  
 4 the senate;
- 5 (2) one member of the Kansas senate appointed by the minority  
 6 leader of the senate;
- 7 (3) one member of the Kansas house of representatives appointed by  
 8 the speaker of the Kansas house of representatives;
- 9 (4) one member of the Kansas house of representatives appointed by  
 10 the minority leader of the Kansas house of representatives;
- 11 (5) one member of the judicial branch court services appointed by the  
 12 chief justice of the supreme court;
- 13 (6) ~~one criminal defense attorney or public defender~~ *two criminal*  
 14 *defense attorneys, one of whom shall be a public defender*, appointed by  
 15 the governor;
- 16 (7) one county or district attorney from an urban area and one county  
 17 attorney from a rural area appointed by the Kansas county and district  
 18 attorneys association;
- 19 (8) one sheriff and one chief of police appointed by the attorney  
 20 general;
- 21 (9) one professor of law from the university of Kansas school of law  
 22 and one professor of law from Washburn university school of law,  
 23 appointed by the deans of such schools;
- 24 (10) one drug and alcohol addiction treatment provider who provides  
 25 services pursuant to the certified drug abuse treatment program appointed  
 26 by the Kansas sentencing commission;
- 27 (11) one district judge appointed by the Kansas district judges  
 28 association;
- 29 (12) one district magistrate judge appointed by the Kansas district  
 30 magistrate judges association;
- 31 (13) one member representative of the faith-based community  
 32 appointed by the governor;
- 33 (14) one member of a criminal justice reform advocacy organization  
 34 appointed by the legislative coordinating council;
- 35 (15) one mental health professional appointed by the Kansas  
 36 community mental health association;
- 37 (16) one member representative of community corrections appointed  
 38 by the secretary of corrections; and
- 39 (17) the attorney general, the secretary of corrections and the  
 40 executive director of the Kansas sentencing commission, or such persons'  
 41 designees, shall serve as ex officio, nonvoting members of the  
 42 commission.
- 43 (d) Members of the commission shall be appointed before August 1,

1 2019. The appointing authorities shall provide notice of such appointments  
2 to the office of revisor of statutes and the legislative research department.

3 (e) The members of the commission shall elect officers from among  
4 its members necessary to discharge its duties. The commission shall  
5 receive testimony from interested parties at public hearings to be  
6 conducted in the various geographic areas of the state.

7 (f) If approved by the legislative coordinating council, legislative  
8 members of the commission attending meetings authorized by the  
9 commission shall be paid amounts for expenses, mileage and subsistence  
10 as provided in K.S.A. 75-3223(e), and amendments thereto.

11 (g) The commission shall have the authority to organize and appoint  
12 such task forces or subcommittees as may be deemed necessary to  
13 discharge such commission's duties, including adding ex officio, nonvoting  
14 members to such task forces or subcommittees.

15 (h) The commission shall work with the Kansas judicial council, the  
16 department of corrections, the office of judicial administration and the  
17 Kansas sentencing commission and review studies and findings of the  
18 Kansas sentencing commission concerning proportionality of sentencing.

19 (i) The commission shall prepare and submit its interim report to the  
20 legislature on or before December 1, 2019. A final report and  
21 recommendations shall be submitted to the legislature on or before  
22 December 1, 2020.

23 (j) The staff of the office of revisor of statutes and the legislative  
24 research department shall provide such assistance as may be requested by  
25 the commission as authorized by the legislative coordinating council.

26 (k) The governor shall appoint a facilitator to assist the commission  
27 in developing a project plan and who shall assist the commission in  
28 carrying out the duties of the commission in an orderly manner. The  
29 facilitator shall work in collaboration with the commission chairperson and  
30 staff of the office of revisor of statutes and the legislative research  
31 department. The facilitator shall not be a member of the commission. The  
32 facilitator, in coordination with the office of revisor of statutes and the  
33 legislative research department, shall call the first meeting of the  
34 commission, which shall take place during August 2019.

35 Sec. 2. K.S.A. 2019 Supp. 21-6902 is hereby repealed.

36 Sec. 3. This act shall take effect and be in force from and after its  
37 publication in the statute book.