

SESSION OF 2020

SUPPLEMENTAL NOTE ON SENATE BILL NO. 58

As Amended by Senate Committee on Judiciary

Brief*

SB 58 would amend law related to grand jury proceedings summoned by petition to refer to such proceedings as “citizen-initiated,” and would specify such petitions are citizen-initiated throughout the section. The bill would state the person who filed a citizen-initiated petition, and whose name, address, and phone number appear on the petition, is immune from civil liability for any good faith conduct under the section. The bill also would clarify that such person would be the first witness called to give testimony should a citizen-initiated grand jury be impaneled.

Finally, the bill makes technical amendments to provide consistency in statutory phrasing.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of American Family Action of Kansas and Missouri in January 2019. In the Senate Committee hearing in January 2020, a representative of American Family Action of Kansas and Missouri testified in support of the bill, stating the need to protect citizens who wish to challenge prosecutorial discretion. Written-only opponent testimony was provided by the League of Kansas Municipalities, stating concerns over the potential increase of false or insufficient allegations in citizen-initiated petitions.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee adopted a technical amendment to update statutory references throughout the bill.

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Office of Judicial Administration indicates any fiscal effect upon enactment of the bill would be negligible.