

HOUSE BILL No. 2001

By Representatives Jennings and Owens

6-3

1 AN ACT concerning the criminal justice reform commission; relating to
2 membership; public defender; expenses for certain members; extension
3 of report deadline; amending K.S.A. 2019 Supp. 21-6902 and repealing
4 the existing section.

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

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

10 (b) The commission shall:

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

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

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

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

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

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

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

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

36 (9) study other matters, that, as the commission determines, are

1 appropriate and necessary to complete a thorough review of the criminal
2 justice system.

3 (c) The commission shall be made of the following members:

4 (1) One member of the Kansas senate appointed by the president of
5 the senate;

6 (2) one member of the Kansas senate appointed by the minority
7 leader of the senate;

8 (3) one member of the Kansas house of representatives appointed by
9 the speaker of the Kansas house of representatives;

10 (4) one member of the Kansas house of representatives appointed by
11 the minority leader of the Kansas house of representatives;

12 (5) one member of the judicial branch court services appointed by the
13 chief justice of the supreme court;

14 (6) one criminal defense attorney or public defender appointed by the
15 governor;

16 (7) *one public defender appointed by the executive director of the*
17 *board of indigents' defense services;*

18 (8) one county or district attorney from an urban area and one county
19 attorney from a rural area appointed by the Kansas county and district
20 attorneys association;

21 ~~(8)~~(9) one sheriff and one chief of police appointed by the attorney
22 general;

23 ~~(9)~~(10) one professor of law from the university of Kansas school of
24 law and one professor of law from Washburn university school of law,
25 appointed by the deans of such schools;

26 ~~(10)~~(11) one drug and alcohol addiction treatment provider who
27 provides services pursuant to the certified drug abuse treatment program
28 appointed by the Kansas sentencing commission;

29 ~~(11)~~(12) one district judge appointed by the Kansas district judges
30 association;

31 ~~(12)~~(13) one district magistrate judge appointed by the Kansas district
32 magistrate judges association;

33 ~~(13)~~(14) one member representative of the faith-based community
34 appointed by the governor;

35 ~~(14)~~(15) one member of a criminal justice reform advocacy
36 organization appointed by the legislative coordinating council;

37 ~~(15)~~(16) one mental health professional appointed by the Kansas
38 community mental health association;

39 ~~(16)~~(17) one member representative of community corrections
40 appointed by the secretary of corrections; and

41 ~~(17)~~(18) the attorney general, the secretary of corrections and the
42 executive director of the Kansas sentencing commission, or such persons'
43 designees, shall serve as ex officio, nonvoting members of the

1 commission.

2 (d) Members of the commission shall be appointed before August 1,
3 2019. The appointing authorities shall provide notice of such appointments
4 to the office of revisor of statutes and the legislative research department.

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

9 (f) (1) If approved by the legislative coordinating council, legislative
10 members of the commission attending meetings authorized by the
11 commission shall be paid amounts for expenses, mileage and subsistence
12 as provided in K.S.A. 75-3223(e), and amendments thereto.

13 (2) *Members of the commission who are not legislators or public*
14 *employees shall receive mileage, tolls and parking as provided in K.S.A.*
15 *75-3223, and amendments thereto, for attendance at any meeting of the*
16 *commission or any subcommittee meeting authorized by the commission.*

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

21 (h) The commission shall work with the Kansas judicial council, the
22 department of corrections, the office of judicial administration and the
23 Kansas sentencing commission and review studies and findings of the
24 Kansas sentencing commission concerning proportionality of sentencing.

25 (i) The commission shall prepare and submit ~~its~~ *an* interim report to
26 the legislature on or before ~~December 1, 2019~~ *January 1, 2021*. A final
27 report and recommendations shall be submitted to the legislature on or
28 before December 1, ~~2020~~ *2021*.

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

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

41 (l) *For the purposes of this section, "public employee" means any*
42 *employee of the state of Kansas, any employee of a city incorporated*
43 *under the laws of the state of Kansas or any employee of a county,*

1 *township, school district or other political subdivision of the state of*
2 *Kansas.*

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

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