

HOUSE BILL No. 2369

By Committee on Judiciary

2-11

1 AN ACT concerning the Kansas closed case task force; relating to
2 expiration of the task force; extending the task force and providing for
3 staff assistance; amending K.S.A. 2020 Supp. 21-6901 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. 2020 Supp. 21-6901 is hereby amended to read as
8 follows: 21-6901. (a) There is hereby established the Kansas closed case
9 task force. The task force shall be composed of 15 voting members, as
10 follows:

- 11 (1) The chairperson of the standing senate committee on judiciary;
- 12 (2) the ranking minority member of the standing senate committee on
13 judiciary;
- 14 (3) the chairperson of the standing house committee on judiciary;
- 15 (4) the ranking minority member of the standing house committee on
16 judiciary;
- 17 (5) the governor or the governor's designee;
- 18 (6) the attorney general or the attorney general's designee;
- 19 (7) the director of the Kansas bureau of investigation or the director's
20 designee;
- 21 (8) the state combined DNA index system (CODIS) administrator as
22 designated by the director of the Kansas bureau of investigation forensic
23 science laboratory;
- 24 (9) a sheriff as designated by the Kansas sheriff's association;
- 25 (10) a chief of police as designated by the Kansas association of
26 chiefs of police;
- 27 (11) a prosecutor as designated by the Kansas county and district
28 attorneys association;
- 29 (12) the executive director of the state board of indigents' defense
30 services or the executive director's designee;
- 31 (13) the president of the Kansas bar association or the president's
32 designee;
- 33 (14) the director of victim services of the department of corrections or
34 the director's designee; and
- 35 (15) one member designated by the governor who represents an
36 organization that litigates claims of innocence.

1 (b) (1) ~~Members shall be appointed to the task force on or before~~
2 ~~September 1, 2019. The initial meeting of the task force shall be convened~~
3 ~~on or before October 1, 2019.~~

4 ~~(2)~~—The chairperson of the standing senate committee on judiciary and
5 the chairperson of the standing house committee on judiciary shall serve as
6 co-chairs of the task force.

7 ~~(3)~~(2) The task force shall meet in an open meeting at any time and at
8 any place within the state of Kansas upon the call of either co-chairperson
9 of the task force. A majority of the voting members of the task force
10 constitutes a quorum. Any action by the task force shall be by motion
11 adopted by a majority of the voting members present when there is a
12 quorum.

13 (c) The task force, in consultation with practitioners and experts, shall
14 develop a plan to ensure uniform statewide policies and procedures that
15 address, at a minimum:

16 (1) Timely receipt of the data relating to hits to the combined DNA
17 index system (CODIS) from the forensic laboratory;

18 (2) directly connecting the data relating to hits to the combined DNA
19 index system (CODIS) to the relevant case file;

20 (3) proper policies and procedures to ensure all hits are accounted for
21 and followed up;

22 (4) procedures to address how the key parties can conduct a
23 reasonable and timely investigation into the significance of the hit; and

24 (5) sharing the hits in data from both solved and unsolved cases with
25 other key parties, including the relevant prosecutors' offices, the original
26 defense attorney and the last known attorney of record, crime victims and
27 surviving relatives, and a local organization that litigates claims of
28 innocence.

29 (d) The task force shall complete a plan for implementation of a
30 protocol relating to hits to closed cases by October 1, ~~2020~~ 2021. The plan
31 shall include a mechanism to ensure uniform compliance at the local law
32 enforcement agency level.

33 (e) On or before December 1, ~~2020~~ 2021, the task force shall submit a
34 report containing a plan for uniform implementation of the protocol
35 throughout the state, including articulated benchmarks to facilitate and
36 measure adoption. This report shall be posted on a public website
37 maintained by the Kansas bureau of investigation and presented to the
38 governor, the speaker of the house of representatives and the president of
39 the senate.

40 (f) Legislative members of the task force attending meetings
41 authorized by the task force shall be paid amounts provided in K.S.A. 75-
42 3223(e), and amendments thereto. Non-legislative members of the task
43 force may be reimbursed by their appointing authority.

1 (g) *Staff of the office of revisor of statutes, the legislative research*
2 *department and the division of legislative administrative services shall*
3 *provide assistance to the Kansas closed case task force as may be*
4 *requested by the co-chairs of the task force.*

5 (h) *The Kansas closed case task force shall be a continuation of the*
6 *task force as it existed on December 29, 2020, and members appointed*
7 *prior to such date shall continue as members of the task force.*

8 (i) The provisions of this section shall expire on December 30, ~~2020~~
9 ~~2021~~.

10 Sec. 2. K.S.A. 2020 Supp. 21-6901 is hereby repealed.

11 Sec. 3. This act shall take effect and be in force from and after its
12 publication in the Kansas register.