

{As Amended by House Committee of the Whole}

Session of 2021

HOUSE BILL No. 2077

By Committee on Corrections and Juvenile Justice

1-15

1 AN ACT concerning the Kansas criminal justice reform commission;
2 relating to expiration of the commission; extending the commission and
3 limiting the scope of study; amending K.S.A. 2020 Supp. 21-6902 and
4 repealing the existing section.

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

7 Section 1. K.S.A. 2020 Supp. 21-6902 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 for legislation that:~~

20 (A) *Requires pre-filing and post-filing diversion be an option in all*
21 *counties;*

22 (B) *establishes minimum statewide standards for diversion; and*

23 (C) *provides a method for sealing or otherwise removing diversion*
24 *records from criminal records;*

25 (4) review ~~the supervision levels and programming available~~
26 ~~practices~~ for offenders who serve sentences for felony offenses on
27 community supervision, *including supervision by court services,*
28 *community corrections and parole; and*

29 (5) *discuss and develop detailed recommendations for legislation that*
30 *establishes research-based standards and practices for all community*
31 *supervision programs that:*

32 (A) *Provide for incentives for compliant offenders to earn early*
33 *discharge from supervision;*

34 (B) *create standardized terms and conditions for community*
35 *supervision and provide for a method that courts may utilize to use special*
36 *terms as indicated through the introduction of compelling evidence;*

1 (C) create standardized effective responses to behavior through a
 2 system of incentives and graduated sanctions; and

3 (D) provide for a means to consolidate concurrent supervision into
 4 one supervision agency; **{; and}**

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

7 ~~(6) survey the availability of evidence-based programming for~~
 8 ~~offenders provided both in correctional facilities and in the community,~~
 9 ~~and make recommendations for changes in available programming;~~

10 ~~(7) study the policies of the department of corrections for placement~~
 11 ~~of offenders within the correctional facility system and make~~
 12 ~~recommendations with respect to specialty facilities, including, but not~~
 13 ~~limited to, geriatric, healthcare and substance abuse facilities;~~

14 ~~(8) evaluate existing information management data systems and make~~
 15 ~~recommendations for improvements to data systems that will enhance the~~
 16 ~~ability of criminal justice agencies to evaluate and monitor the efficacy of~~
 17 ~~the criminal justice system at all points in the criminal justice process; and~~

18 ~~(9) study other matters, that, as the commission determines, are~~
 19 ~~appropriate and necessary to complete a thorough review of the criminal~~
 20 ~~justice system~~

21 **{(6) monitor the implementation of previously endorsed**
 22 **commission recommendations, including those developed through**
 23 **justice reinvestment, and receive updates, review data and identify**
 24 **opportunities for coordination, collaboration or legislation as needed}.**

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

26 (1) One member of the Kansas senate appointed by the president of
 27 the senate;

28 (2) one member of the Kansas senate appointed by the minority
 29 leader of the senate;

30 (3) one member of the Kansas house of representatives appointed by
 31 the speaker of the Kansas house of representatives;

32 (4) one member of the Kansas house of representatives appointed by
 33 the minority leader of the Kansas house of representatives;

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

36 (6) one criminal defense attorney or public defender appointed by the
 37 governor;

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

40 (8) one county or district attorney from an urban area and one county
 41 attorney from a rural area appointed by the Kansas county and district
 42 attorneys association;

43 ~~(8)(9)~~ one sheriff and one chief of police appointed by the attorney

1 general;

2 (9)(10) one professor of law from the university of Kansas school of
3 law and one professor of law from Washburn university school of law,
4 appointed by the deans of such schools;

5 (10)(11) one drug and alcohol addiction treatment provider who
6 provides services pursuant to the certified drug abuse treatment program
7 appointed by the Kansas sentencing commission;

8 (11)(12) one district judge appointed by the Kansas district judges
9 association;

10 (12)(13) one district magistrate judge appointed by the Kansas district
11 magistrate judges association;

12 (13)(14) one member representative of the faith-based community
13 appointed by the governor;

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

16 (15)(16) one mental health professional appointed by the Kansas
17 community mental health association;

18 (16)(17) one member representative of community corrections
19 appointed by the secretary of corrections; and

20 (17)(18) the attorney general, the secretary of corrections and the
21 executive director of the Kansas sentencing commission, or such persons'
22 designees, shall serve as ex officio, nonvoting members of the
23 commission.

24 (d) ~~Members of the commission shall be appointed before August 1,~~
25 ~~2019.~~ The appointing authorities shall provide notice of such appointments
26 to the office of revisor of statutes and the legislative research department.

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

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

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

39 (h) The commission shall work with the Kansas judicial council, the
40 department of corrections, the office of judicial administration and the
41 Kansas sentencing commission and review studies and findings of the
42 Kansas sentencing commission concerning proportionality of sentencing.

43 (i) The commission shall prepare and submit its interim report to the

1 legislature on or before December 1, 2019. A final report and
2 recommendations shall be submitted to the legislature on or before
3 December 1, ~~2020~~ 2021.

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

7 (k) The governor shall appoint a facilitator to assist the commission
8 in developing a project plan and who shall assist the commission in
9 carrying out the duties of the commission in an orderly manner. The
10 facilitator shall work in collaboration with the commission chairperson and
11 staff of the office of revisor of statutes and the legislative research
12 department. The facilitator shall not be a member of the commission. ~~The~~
13 ~~facilitator, in coordination with the office of revisor of statutes and the~~
14 ~~legislative research department, shall call the first meeting of the~~
15 ~~commission, which shall take place during August 2019.~~

16 Sec. 2. K.S.A. 2020 Supp. 21-6902 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the ~~statute book~~ {**Kansas register**}.