

*{As Amended by Senate Committee of the Whole}*

*{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 *{crime-related task forces and commissions;*  
2 *relating to the Kansas closed case task force; extending the task force*  
3 *and providing for staff assistance; renaming the task force the Alvin*  
4 *Sykes cold case DNA task force; relating to}* the Kansas criminal  
5 justice reform commission; ~~*relating to expiration of the commission;*~~  
6 extending the commission and limiting the scope of study; amending  
7 K.S.A. 2020 Supp. *{21-6901 and}* 21-6902 and repealing the existing  
8 ~~*section {sections}.*~~  
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 *{Section 1. K.S.A. 2020 Supp. 21-6901 is hereby amended to read as*  
12 *follows: 21-6901. (a) There is hereby established the ~~Kansas closed case~~*  
13 *Alvin Sykes cold case DNA task force. The task force shall be composed*  
14 *of 15 voting members, as follows:*

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

1       ***(13) the president of the Kansas bar association or the president's***  
2 ***designee;***

3       ***(14) the director of victim services of the department of corrections***  
4 ***or the director's designee; and***

5       ***(15) one member designated by the governor who represents an***  
6 ***organization that litigates claims of innocence.***

7       ***(b) (1) Members shall be appointed to the task force on or before***  
8 ***September 1, 2019. The initial meeting of the task force shall be convened***  
9 ***on or before October 1, 2019.***

10       ***(2) The chairperson of the standing senate committee on judiciary and***  
11 ***the chairperson of the standing house committee on judiciary shall serve as***  
12 ***co-chairs co-chairpersons of the task force.***

13       ***(3)(2) The task force shall meet in an open meeting at any time and***  
14 ***at any place within the state of Kansas upon the call of either co-***  
15 ***chairperson of the task force. A majority of the voting members of the***  
16 ***task force constitutes a quorum. Any action by the task force shall be by***  
17 ***motion adopted by a majority of the voting members present when there***  
18 ***is a quorum.***

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

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

24       ***(2) directly connecting the data relating to hits to the combined***  
25 ***DNA index system (CODIS) to the relevant case file;***

26       ***(3) proper policies and procedures to ensure all hits are accounted***  
27 ***for and followed up;***

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

30       ***(5) sharing the hits in data from both solved and unsolved cases***  
31 ***with other key parties, including the relevant prosecutors' offices, the***  
32 ***original defense attorney and the last known attorney of record, crime***  
33 ***victims and surviving relatives, and a local organization that litigates***  
34 ***claims of innocence.***

35       ***(d) The task force shall complete a plan for implementation of a***  
36 ***protocol relating to hits to closed cases by October 1, 2020 2021. The***  
37 ***plan shall include a mechanism to ensure uniform compliance at the***  
38 ***local law enforcement agency level.***

39       ***(e) On or before December 1, 2020 2021, the task force shall submit***  
40 ***a report containing a plan for uniform implementation of the protocol***  
41 ***throughout the state, including articulated benchmarks to facilitate and***  
42 ***measure adoption. This report shall be posted on a public website***  
43 ***maintained by the Kansas bureau of investigation and presented to the***

1 *governor, the speaker of the house of representatives and the president*  
2 *of the senate.*

3 *(f) Legislative members of the task force attending meetings*  
4 *authorized by the task force shall be paid amounts provided in K.S.A.*  
5 *75-3223(e), and amendments thereto. Non-legislative members of the*  
6 *task force may be reimbursed by their appointing authority.*

7 *(g) Staff of the office of revisor of statutes, the legislative research*  
8 *department and the division of legislative administrative services shall*  
9 *provide assistance to the task force as may be requested by the co-chairs*  
10 *of the task force.*

11 *(h) The Alvin Sykes cold case DNA task force shall be a continuation*  
12 *of the Kansas closed case task force as it existed on December 29, 2020,*  
13 *and, except as provided in subsection (a)(8), members appointed prior to*  
14 *such date shall continue as members of the task force.*

15 *(i) The provisions of this section shall expire on December 30, 2020*  
16 *2021.}*

17 ~~Section 1.~~ *{Sec. 2.}* K.S.A. 2020 Supp. 21-6902 is hereby amended to  
18 read as follows: 21-6902. (a) There is hereby created the Kansas criminal  
19 justice reform commission.

20 (b) The commission shall:

21 (1) Analyze the sentencing guidelines grids for drug and nondrug  
22 crimes and make recommendations for legislation that would ensure  
23 sentences are appropriate;

24 (2) review the sentences imposed for criminal conduct to determine  
25 whether the sentences are proportionate to other sentences imposed for  
26 criminal offenses;

27 (3) analyze diversion programs utilized throughout the state and make  
28 recommendations ~~with respect to expanding diversion options and~~  
29 ~~implementation of a state-wide diversion standards for legislation that:~~

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

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

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

35 (4) ~~review the supervision levels and programming available~~  
36 ~~practices for offenders who serve sentences for felony offenses on~~  
37 ~~community supervision, including supervision by court services,~~  
38 ~~community corrections and parole; and~~

39 (5) *discuss and develop detailed recommendations for legislation that*  
40 *establishes research-based standards and practices for all community*  
41 *supervision programs that:*

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

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

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

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

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

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

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

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

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

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

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

29 (1) One member of the Kansas senate appointed by the president of  
30 the senate;

31 (2) one member of the Kansas senate appointed by the minority  
32 leader of the senate;

33 (3) one member of the Kansas house of representatives appointed by  
34 the speaker of the Kansas house of representatives;

35 (4) one member of the Kansas house of representatives appointed by  
36 the minority leader of the Kansas house of representatives;

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

39 (6) one criminal defense attorney or public defender appointed by the  
40 governor;

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

43 (8) one county or district attorney from an urban area and one county

1 attorney from a rural area appointed by the Kansas county and district  
2 attorneys association;

3 ~~(8)~~(9) one sheriff and one chief of police appointed by the attorney  
4 general;

5 ~~(9)~~(10) one professor of law from the university of Kansas school of  
6 law and one professor of law from Washburn university school of law,  
7 appointed by the deans of such schools;

8 ~~(10)~~(11) one drug and alcohol addiction treatment provider who  
9 provides services pursuant to the certified drug abuse treatment program  
10 appointed by the Kansas sentencing commission;

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

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

15 ~~(13)~~(14) one member representative of the faith-based community  
16 appointed by the governor;

17 ~~(14)~~(15) one member of a criminal justice reform advocacy  
18 organization appointed by the legislative coordinating council;

19 ~~(15)~~(16) one mental health professional appointed by the Kansas  
20 community mental health association;

21 ~~(16)~~(17) one member representative of community corrections  
22 appointed by the secretary of corrections; and

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

27 (d) ~~Members of the commission shall be appointed before August 1,~~  
28 ~~2019.~~ The appointing authorities shall provide notice of such appointments  
29 to the office of revisor of statutes and the legislative research department.

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

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

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

42 (h) The commission shall work with the Kansas judicial council, the  
43 department of corrections, the office of judicial administration and the

1 Kansas sentencing commission and review studies and findings of the  
2 Kansas sentencing commission concerning proportionality of sentencing.

3 (i) The commission shall prepare and submit its interim report to the  
4 legislature on or before December 1, 2019. A final report and  
5 recommendations shall be submitted to the legislature on or before  
6 December 1, ~~2020~~ 2021.

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

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

19 Sec. ~~2~~ ~~{3.}~~ K.S.A. 2020 Supp. ~~{21-6901 and}~~ 21-6902 ~~is~~ ~~{are}~~ hereby  
20 repealed.

21 Sec. ~~3~~ ~~{4.}~~ This act shall take effect and be in force from and after its  
22 publication in the ~~statute book~~ **{Kansas register}**.