

HOUSE BILL No. 2429

By Representatives Owens and Finney

12-17

Proposed Amendments to HB 2429 - Carmichael  
House Corrections and Juvenile Justice  
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January 28, 2020

1 AN ACT concerning the Kansas criminal justice reform commission;  
2 ~~relating to membership; public defender; amending K.S.A. 2019 Supp.~~  
3 21-6902 and repealing the existing section. **21-6901 and**

**task forces; relating to the Kansas closed  
case task force; staff assistance;**

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

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

**Insert Section 1. K.S.A. 21-6901 is hereby  
amended to read as follows: see attachment**

8 (b) The commission shall:

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

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

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

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

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

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

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

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

34 (9) study other matters, that, as the commission determines, are  
35 appropriate and necessary to complete a thorough review of the criminal  
36

1 justice system.

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

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

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

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

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

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

13 (6) ~~one criminal defense attorney or public defender two criminal~~  
14 ~~defense attorneys, one of whom shall be a public defender;~~ appointed by  
15 the governor;

16 (7) one county or district attorney from an urban area and one county  
17 attorney from a rural area appointed by the Kansas county and district  
18 attorneys association;

19 (8) one sheriff and one chief of police appointed by the attorney  
20 general;

21 (9) one professor of law from the university of Kansas school of law  
22 and one professor of law from Washburn university school of law,  
23 appointed by the deans of such schools;

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

27 (11) one district judge appointed by the Kansas district judges  
28 association;

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

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

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

35 (15) one mental health professional appointed by the Kansas  
36 community mental health association;

37 (16) one member representative of community corrections appointed  
38 by the secretary of corrections; and

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

43 (d) Members of the commission shall be appointed before August 1,

1 2019. The appointing authorities shall provide notice of such appointments  
2 to the office of revisor of statutes and the legislative research department.

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

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

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

15 (h) The commission shall work with the Kansas judicial council, the  
16 department of corrections, the office of judicial administration and the  
17 Kansas sentencing commission and review studies and findings of the  
18 Kansas sentencing commission concerning proportionality of sentencing.

19 (i) The commission shall prepare and submit its interim report to the  
20 legislature on or before December 1, 2019. A final report and  
21 recommendations shall be submitted to the legislature on or before  
22 December 1, 2020.

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

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

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

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

21-6901 and

are

Section 1. K.S.A. 21-6901 is hereby amended to read as follows: K.S.A. 21-6901. (a) There is hereby established the Kansas closed case task force. The task force shall be composed of 15 voting members, as follows:

- (1) The chairperson of the standing senate committee on judiciary;
  - (2) the ranking minority member of the standing senate committee on judiciary;
  - (3) the chairperson of the standing house committee on judiciary;
  - (4) the ranking minority member of the standing house committee on judiciary;
  - (5) the governor or the governor's designee;
  - (6) the attorney general or the attorney general's designee;
  - (7) the director of the Kansas bureau of investigation or the director's designee;
  - (8) the state combined DNA index system (CODIS) administrator as designated by the director of the Kansas bureau of investigation forensic science laboratory;
  - (9) a sheriff as designated by the Kansas sheriffs association;
  - (10) a chief of police as designated by the Kansas association of chiefs of police;
  - (11) a prosecutor as designated by the Kansas county and district attorneys association;
  - (12) the executive director of the state board of indigents' defense services or the executive director's designee;
  - (13) the president of the Kansas bar association or the president's designee;
  - (14) the director of victim services of the department of corrections or the director's designee; and
  - (15) one member designated by the governor who represents an organization that litigates claims of innocence.
- (b) (1) Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 2019.
- (2) The chairperson of the standing senate committee on judiciary and the chairperson of the standing house committee on judiciary shall serve as co-chairs of the task force.
- (3) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.
- (c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum
- (1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;
  - (2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;
  - (3) proper policies and procedures to ensure all hits are accounted for and followed up;
  - (4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and
  - (5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.
- (d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, 2020. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.
- (e) On or before December 1, 2020, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.
- (f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendme thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.
- (g) Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance to Kansas closed case task force as may be requested by the co-chairs of the task force.
- (h) The provisions of this section shall expire on December 30, 2020.