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**Testimony Regarding HB 2077  
Submitted by Marc Bennett, District Attorney  
Eighteenth Judicial District  
Chair of Kansas Criminal Justice Reform Commission**

Chairman Jennings and members of the House Committee on Corrections and Juvenile Justice, thank you for the opportunity to address HB 2077, extending the work of the Kansas Criminal Justice Reform Commission.

During the 2019 legislative session, the Kansas Legislature passed HB 2290 which created the Kansas Criminal Justice Reform Commission which was tasked with analyzing a list of issues facing the criminal justice system. The bill required the Commission to submit an interim report by December 1, 2019 and a final report by December 1, 2020. I was asked to be the representative of the Kansas County and District Attorneys Association on the Commission and was subsequently appointed chair of the Commission.

The interim report submitted in 2019 identified several items of legislation that the Commission members agreed were "low hanging fruit"--items likely to receive bipartisan support that would make an immediate positive impact and serve as the foundation for future reforms. While the bills passed the House with generally unanimous support, the pandemic shut the Legislature down before the bills could be passed.

In our 2020 report, the Commission members again recommended passage of the bills submitted in the 2020 session. Knowing that list alone would constitute a sizeable request, the Commission did not inundate the Legislature with several dozen more bills the Legislature would not have time to process. Instead we identified a list of issues that we believe are worthy of the legislature's attention in the coming sessions.

As a final act, we recommended that the Commission be extended at least one additional year. The reason is to continue to hone the work of the committee on at least certain issues that are likely to require more consideration before tangible recommendations can be reduced to proposed bills.

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To tailor the proposal, of the 9 items set forth in the original 2019 HB 2290 at §(b)(1) through (9), KB 2077 now seeks to extend the work of the Commission to:

- (1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;
- (2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;
- (3) analyze diversion programs utilized throughout the state and make recommendations *for legislation that:*
  - i.) requires diversion be an option in all counties, both pre and post filing*
  - ii.) establishes minimum state-wide diversion standards*
  - iii.) provides a method for sealing or otherwise removing from criminal justice records diversion agreements*
- (4) review ~~the~~ supervision *practices* for offenders who serve sentences for felony offenses on community supervision *including supervision by court service officers, community corrections officers and parole officers;*
  - a.) Discuss and develop detailed recommendations and legislative proposals that establish research-based standards and practices for all community supervision programs, both executive and judicial branch that:*
    - i.) provide for incentives for compliant offenders to earn early discharge from supervision*
    - ii.) create standardized terms and conditions for community supervision and provide for a method that courts may utilize to endorse special terms as indicated through the introduction of compelling evidence.*
    - iii.) create standardized effective responses to behavior through a system of incentive and graduated sanctions.*
    - iv.) provide for a means to consolidate concurrent supervision into one supervision agency*

The extensive work conducted by an earlier reform commission, known as the "3 R" Committee (Recodification, Rehabilitation, and Restoration), was submitted in January of 2006. Though the goal of re-codifying the criminal code was accomplished, much of the rest of their work never made it into law. Those of us on the current Commission believe more work is necessary to ensure the Kansas legislature is in the best position to improve our justice system.

Thank you for your time and attention.

Sincerely,



Marc Bennett  
District Attorney  
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