

KANSAS OFFICE *of*
REVISOR *of* STATUTES

LEGISLATURE *of* THE STATE *of* KANSAS
Legislative Attorneys transforming ideas into legislation.

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 25, 2021
Subject: Bill Brief for HB 2361

House Bill 2361 authorizes the supreme court to adopt rules establishing specialty courts and creates the specialty court funding advisory committee and the specialty court resources fund.

New Section 1 requires the supreme court to adopt rules for the establishment and operation of one or more specialty court programs within the state. The chief judge of a judicial district may establish a specialty court program in accordance with those rules. Subsection (b) establishes a specialty court funding advisory committee that shall evaluate resources available for assessment and treatment of people assigned to specialty courts, secure grants, funds and other property and services necessary to facilitate the operation of specialty courts, recommend to the judicial administrator the allocation of resources among various specialty court programs and recommend legislation and rules to aid in the development of specialty courts.

The committee shall consist of the chairs of the judiciary committees in both the house of representatives and the senate, the chair of the legislative budget committee, one member of the legislature appointed jointly by the minority leaders in the house of representatives and the senate, and five members appointed by the chief justice, including a prosecutor and a criminal defense attorney. The committee shall also have three ex officio, nonvoting members including a member appointed by the secretary of corrections, a member appointed by the secretary for aging and disability services and a drug and alcohol addiction treatment provider appointed by the sentencing commission.

The bill outlines the terms of the members and provides that the chief justice shall designate the chairperson. The office of judicial administration may provide technical assistance to the committee. Members shall receive certain compensation, travel expenses and subsistence expenses as provided in the section. Nothing in the section shall prohibit any judicial district, local government or the judicial branch from directly applying for funding to facilitate the operation of

specialty courts. Such funds shall not be remitted to the state treasurer in accordance with this section. The bill creates the specialty court resources fund to be administered by the judicial administrator. All expenditures from the fund shall be for the purpose of operating specialty court programs. Funds acquired by the committee shall be remitted to the fund.

If a person is sentenced to participate in a specialty court programs and successfully completes such program, the person's sentence may be reduced or modified, but shall not be modified or reduced below a minimum sentence required by law. The section also provides a definition of specialty court.

Section 2 amends K.S.A. 21-6604 to provide that ordering a defendant to participate in a specialty court program is an authorized sentencing option when a person has been found guilty of a crime.

Section 3 amends K.S.A. 21-6614 to provide that a person who has completed the requirements of a specialty court program, except as provided by subsections (b), (c), (d), (e) and (f), may petition the district court for expungement of related conviction and arrest records. The court may waive all or part of the docket fee imposed for filing such petition. At the hearing on the petition, the court shall order the petitioner's records expunged if the court finds that no proceeding involving a felony is presently pending or being instituted against the petitioner, the circumstances and behavior of the petitioner warrant the expungement and the expungement is consistent with the public welfare.