

SESSION OF 2017

SUPPLEMENTAL NOTE ON SENATE BILL NO. 62

As Amended by Senate Committee on Judiciary

Brief*

SB 62 would amend the law concerning grand juries summoned by petition. The bill would provide that if a grand jury is not summoned because of a finding the petition, which is substantially in the form required by law on its face, is not in proper form, the person who filed the petition and whose name, address, and phone number appear on the face of each petition would have the right to appeal the decision to not summon a grand jury as a final judgment to the Kansas Court of Appeals. The bill would also amend the statute governing sufficiency of petitions for elections to provide it does not apply to grand jury petitions.

Background

The bill was introduced at the request of American Family Action. In the Senate Committee on Judiciary hearing, a representative of American Family Action appeared in support of the bill. The representative provided an excerpt from a district court journal entry of dismissal stating there is no statutory right to appeal in the grand jury statutes. A representative of Kansans for Life submitted written-only proponent testimony. No other testimony was provided.

The Senate Committee adopted an amendment to remove the right to appeal based on the required signatures and to clarify the person who filed the petition could appeal if the grand jury is not summoned because the petition,

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

substantially in the form required on its face, is not in its proper form.

According to the fiscal note prepared by the Division of the Budget, the Office of Judicial Administration indicates the bill, as introduced, could increase Judicial Branch expenditures beginning in FY 2018 for additional staff time spent by appellate court employees and appellate court judges in processing and deciding cases, as well as additional revenues from docket fees for additional appellate cases filed. However, a fiscal effect cannot be estimated. Any fiscal effect associated with the bill is not reflected in *The FY 2018 Governor's Budget Report*.