As Amended by House Committee of the Whole

As Amended by House Committee
Session of 2019

Substitute for HOUSE BILL No. 2018

By Committee on Corrections and Juvenile Justice

2-25

AN ACT creating the Kansas criminal justice reform commission; relating to duties and membership; report to legislature.

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

Section 1. (a) There is hereby created the Kansas criminal justice reform commission.

(b) The commission shall:

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 with respect to expanding diversion options and implementation of a state-wide diversion standards;

4. Review the supervision levels and programming available for offenders who serve sentences for felony offenses on community supervision;

5. Study specialty courts and make recommendations for the use of specialty courts throughout the state;

6. Survey the availability of evidence-based programming for offenders provided both in correctional facilities and in the community, and make recommendations for changes in available programming;

7. Study the policies of the department of corrections for placement of offenders within the correctional facility system and make recommendations with respect to specialty facilities, including, but not limited to, geriatric, healthcare and substance abuse facilities;

8. Evaluate existing information management data systems and make recommendations for improvements to data systems that will enhance the ability of criminal justice agencies to evaluate and monitor the efficacy of the criminal justice system at all points in the criminal justice process; and

9. Study other matters, that, as the commission determines, are appropriate and necessary to complete a thorough review of the criminal
justice system.

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

(1) One member of the Kansas senate appointed by the president of the senate;
(2) one member of the Kansas senate appointed by the minority leader of the senate;
(3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;
(4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;
(5) one member of the judicial branch court services appointed by the chief justice of the supreme court;
(6) one criminal defense attorney or public defender appointed by the governor;
(7) one county or district attorney from an urban area and one county attorney from a rural area appointed by the Kansas county and district attorneys association;
(8) one sheriff and one chief of police appointed by the attorney general;
(9) one professor of law from the university of Kansas school of law and one professor of law from Washburn university school of law, appointed by the deans of such schools;
(10) one drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program appointed by the governor—behavioral health association of Kansas—sentencing commission;—
(11) one district judge appointed by the Kansas district judges association;
(12) one district magistrate judge appointed by the Kansas district magistrate judges association;
(13) one member representative of the faith-based community appointed by the governor;
(14) one member of a criminal justice reform advocacy organization appointed by the governor—legislative coordinating council;
(15) one mental health professional appointed the by Kansas community mental health association;
(16) one member representative of community corrections appointed by the secretary of corrections; and
(17) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.

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

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

\{(f)\} Each member of the commission shall receive compensation,
subsistence allowances, mileage and other expenses as provided for in-
K.S.A. 75-3223, and amendments thereto, except that the public members
shall receive compensation in the amount provided for legislators pursuant
to K.S.A. 75-3212, and amendments thereto, for each day or part thereof
actually spent on commission activities. No per diem compensation shall
be paid under this subsection to salaried state, county or city officers or
employees, except that the legislative members shall receive compensation
as provided in K.S.A. 75-3212, and amendments thereto. If approved by
the legislative coordinating council, legislative members of the
commission attending meetings authorized by the commission shall be
paid amounts for expenses, mileage and subsistence as provided in
K.S.A. 75-3223(e), and amendments thereto.

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

\{(h)\} The commission shall work with the Kansas judicial council,
the department of corrections and the Kansas sentencing commission and
review studies and findings of the Kansas sentencing commission
concerning proportionality of sentencing.

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

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

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

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.