

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2031

By Representatives Smith, Bruchman, Burgess, Grosserode, Hildabrand,
Kinzer, Mast, Meigs, Pauls, Rubin and Vickrey

1-19

1 AN ACT concerning criminal procedure; relating to grand juries;
2 amending K.S.A. 22-3001 and repealing the existing section.
3

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

5 Section 1. K.S.A. 22-3001 is hereby amended to read as follows:
6 22-3001. ~~(1)~~(a) A majority of the district judges in any judicial district
7 may order a grand jury to be summoned in any county in the district
8 when it is determined to be in the public interest.

9 (b) *The attorney general in any judicial district or the district or*
10 *county attorney in such attorney's ~~judicial district~~ county may petition*
11 *the chief judge or the chief judge's designee in such district court to*
12 *order a grand jury to be summoned in the designated county in the*
13 *district to investigate alleged violations of an off-grid felony, a severity*
14 *level 1, 2, 3, 4 or 5 felony or a drug severity level 1 or 2 felony. The*
15 *chief judge or the chief judge's designee in the district court of the*
16 *county shall then consider the petition and, if it is found that the*
17 *petition is in proper form, as set forth in this subsection, shall order a*
18 *grand jury to be summoned.*

19 ~~(2)~~(c) A grand jury shall be summoned in any county within 60
20 days after a petition praying therefor is presented to the district court,
21 bearing the signatures of a number of electors equal to 100 plus 2% of
22 the total number of votes cast for governor in the county in the last
23 preceding election. The petition shall be in substantially the following
24 form:

25 The undersigned qualified electors of the county of
26 _____ and state of Kansas hereby request that the district
27 court of _____ county, Kansas, within 60 days after the
28 filing of this petition, cause a grand jury to be summoned in the county
29 to investigate alleged violations of law and to perform such other duties
30 as may be authorized by law.

31 The signatures to the petition need not all be affixed to one paper,
32 but each paper to which signatures are affixed shall have substantially

1 the foregoing form written or printed at the top thereof. Each signer
2 shall add to such signer's signature such signer's place of residence,
3 giving the street and number or rural route number, if any. One of the
4 signers of each paper shall verify upon oath that each signature
5 appearing on the paper is the genuine signature of the person whose
6 name it purports to be and that such signer believes that the statements
7 in the petition are true. The petition shall be filed in the office of the
8 clerk of the district court who shall forthwith transmit it to the county
9 election officer, who shall determine whether the persons whose
10 signatures are affixed to the petition are qualified electors of the county.
11 Thereupon, the county election officer shall return the petition to the
12 clerk of the district court, together with such election officer's
13 certificate stating the number of qualified electors of the county whose
14 signatures appear on the petition and the aggregate number of votes
15 cast for all candidates for governor in the county in the last preceding
16 election. The judge or judges of the district court of the county shall
17 then consider the petition and, if it is found that the petition is in proper
18 form and bears the signatures of the required number of electors, a
19 grand jury shall be ordered to be summoned.

20 ~~(3)~~(d) The grand jury shall consist of 15 members and shall be
21 drawn and summoned in the same manner as petit jurors for the district
22 court. Twelve members thereof shall constitute a quorum. The judge or
23 judges ordering the grand jury shall direct that a sufficient number of
24 legally qualified persons be summoned for service as grand jurors.

25 Sec. 2. K.S.A. 22-3001 is hereby repealed.

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