

SESSION OF 2019

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2290**

As Agreed to April 4, 2019

**Brief\***

HB 2290 would create and amend law related to various public agencies, as follows.

***Crime Victims Compensation Division (Office of the Attorney General)***

The bill would create in the Office of the Attorney General (OAG) a Crime Victims Compensation Division (Division) to administer and support the operations of the Crime Victims Compensation Board (CVCB). The Division would receive compensation applications and supporting papers and would, if requested by the CVCB, investigate the claim, appear in related proceedings, and present evidence opposing or in support of an award.

The bill would direct the Attorney General to establish and maintain a principal office for the Division and other necessary offices, appoint employees and agents, and prescribe the duties and compensation for such employees and agents, subject to appropriations. The Division would be headed by a director appointed by the Attorney General in consultation with the CVCB.

The bill would direct the Division to prescribe application forms for compensation, request investigations and data from

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

various sources to enable the CVCB to determine qualification for compensation, make available specified documents of the CVCB pursuant to the Kansas Open Records Act (KORA), publicize the availability of compensation and information regarding the filing of claims, and perform any other duties assigned by the Attorney General to carry out the above provisions.

The bill would amend the statute setting forth powers and duties of the CVCB to remove duties related to offices, employees, forms, KORA, and publicity, and the power to request investigations and data. [Note: These duties and powers are essentially transferred to the Division, as outlined above.] A confidentiality provision regarding a claimant's or victim's juvenile court records would be moved to the new section. "Duties" of the CVCB regarding rules and regulations would be changed to "powers."

The statute governing applications for compensation would be amended to change references to the CVCB in provisions regarding form and filing of applications to refer to the Division instead.

A provision regarding confidentiality of records and information given to the CVCB would be amended to include records and information given to the Division.

The statute establishing the Crime Victims Compensation Fund would be amended to add operations of the Division to the acceptable uses of moneys from that fund.

### ***Kansas Youth Suicide Prevention Coordinator (OAG)***

The bill would require the Attorney General to appoint a Kansas Youth Suicide Prevention Coordinator and additional support staff (as appropriations allow) to identify, create, and coordinate and support youth suicide awareness and prevention efforts throughout the state. The coordinator would have the discretion to:

- Lead the development, implementation, and marketing of a website, online application, and mobile phone application to facilitate communication with youth for the purpose of preventing youth safety and well-being;
- Develop and promote multidisciplinary and interagency strategies to help communities, schools, mental health professionals, medical professionals, law enforcement, and others work together and coordinate efforts to prevent and address youth suicide;
- Organize events that bring together youth, educators, and community members from across the state to share information and receive training to prevent and address youth suicide in their communities;
- Gather, disseminate, and promote information focused on suicide reduction; and
- Perform any other duty assigned by the Attorney General to carry out the provisions of the bill.

***Kansas VINE Coordinator (OAG)***

The bill would require the Attorney General to appoint a Kansas Victim and Notification Everyday (VINE) coordinator and additional support staff (as appropriations allow), to work with interested parties including, but not limited to, sheriffs throughout the state to oversee the statewide implementation of the VINE system. The Attorney General would be authorized to appoint an advisory board, consisting of up to five members, including one who must be a victim advocate and one who must be a representative of the Kansas Sheriffs Association, to make recommendations for the implementation and operation of the VINE program. The bill would prohibit any member from receiving any compensation,

subsistence, mileage, or other allowance for serving on the advisory board, and the Attorney General would be required to promulgate rules and regulations as necessary to implement the provisions of the bill.

### ***Payment for Defense of KORA and KOMA Violations***

The bill would provide that when payment is made from the Tort Claims Fund on behalf of a state agency or employee for defense or indemnification in an action, proceeding, or investigation involving an alleged violation of KORA or the Kansas Open Meetings Act (KOMA), the agency that requests such defense or indemnification (or employs the employee making the request) would be required to transfer to the Tort Claims Fund an amount equal to the payment made by the Tort Claims Fund on behalf of the agency for such defense or indemnification.

### ***Background Checks (Kansas Bureau of Investigation)***

The bill would authorize qualified entities, as defined by the bill, to require state and national criminal history record checks of providers, both employees and volunteers, who have supervised and unsupervised access to children, the elderly, or individuals with disabilities to determine whether that individual has the qualifications and fitness to be permitted to serve as a provider. The bill would allow qualified entities to request the Kansas Bureau of Investigation (KBI) conduct the state and national criminal history record checks. The bill would outline the information required to be provided with a request for a state and national criminal history check. The bill would require local and state law enforcement officers and agencies to assist a qualified entity in taking and processing a person's fingerprints for such criminal history record checks.

The bill would require the KBI to release all records of a person's adult convictions and diversions to the qualified

entity that submitted the request for the criminal history record checks. The bill would also require a qualified entity to be solely responsible for making any determination that a person's criminal history record shows the person has been convicted of a crime that bears upon the person's fitness to serve as a provider. The bill would clarify the KBI would not be required to make such a determination of fitness on behalf of any qualified entity.

### *Definitions*

The bill would define the following terms:

- “Provider” would mean a person who:
  - Is employed by any qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly, or individuals with disabilities to whom the qualified entity provides care;
  - Is a volunteer of a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly, or individuals with disabilities to whom the qualified entity provides care; or
  - Owns, operates, or seeks to own or operate a qualified entity; and
- “Qualified entity” would mean a business or organization that provides care to children, the elderly, or individuals with disabilities that is private, for profit, not-for-profit, or voluntary, except such businesses or organizations that are subject to the provisions of KSA 2018 Supp. 39-970 [adult care homes, which includes any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disabilities, assisted living facilities, residential health care facilities, home plus, boarding care homes, or adult day care

facilities], 39-2009 [center, facility, hospital, or provider of services] or 75-53,105 [employment or participation in any program administered by the Secretary for Children and Families or the Secretary for Aging and Disability Services for the placement, safety, protection or treatment of vulnerable children or adults], or KSA 65-516 [child care facilities] or 65-5117 [home health agencies].

*Documentation Required for Submission with Request for Criminal History Record Check*

The bill would require a qualified entity to submit the following when requesting a state and national criminal history record check:

- The person's fingerprints; and
- A copy of a completed and signed statement furnished by the qualified entity that includes:
  - A waiver allowing the qualified entity to request and receive a criminal history record check to be used in determining the person's qualification and fitness to serve as a provider;
  - The name, address, and date of birth of the person as it appears on a valid identification document;
  - A disclosure of whether the person has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and
  - A notice to the person that he or she is entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in

such report before any final determination is made by the qualified entity.

### ***Kansas Open Records Act Exceptions***

The bill would continue in existence the following exceptions to KORA:

- KSA 9-513c, concerning information or reports obtained and prepared by the State Bank Commissioner in the course of licensing or examining a person engaged in money transmission business (the bill would also remove an expiration provision in KSA 9-513c);
- KSA 40-3407, concerning Health Care Stabilization Fund payments for certain fees and costs related to claims (the bill would also remove an expiration provision in KSA 40-3407);
- KSA 21-2511(h)(2), concerning biological sample profile records maintained by the Kansas Bureau of Investigation;
- KSA 21-5905(a)(7), concerning interference with the judicial process by making available personal information about a judge or a judge's immediate family member;
- KSA 22-2302(b) and (c), concerning affidavits or sworn testimony supporting an arrest warrant;
- KSA 22-2502(d) and (e), concerning affidavits or sworn testimony supporting a search warrant;
- KSA 40-222(k)(7), concerning materials related to the Commissioner of Insurance's financial examination of insurance companies;

- KSA 44-714(e), concerning employment security appeals records and decisions and information;
- KSA 45-221(a)(55), concerning information or reports obtained and prepared by the Office of the State Bank Commissioner in the course of licensing or examining a person engaged in money transmission business;
- KSA 46-1106(g) regarding 46-1106(i), concerning confidentiality related to audits of the Kansas Lottery and the Kansas Public Employees Retirement System conducted by the Legislative Post Auditor or firm under the Legislative Post Audit Act;
- KSA 65-2836(i), concerning impairment of a licensee under the Kansas Healing Arts Act;
- KSA 65-2839a(c), concerning criminal and background investigation information received by the State Board of Healing Arts;
- KSA 65-2842(d), concerning records of the State Board of Healing Arts in investigation or disciplinary proceedings related to impairment;
- KSA 65-28a05(n), concerning information relating to impairment of physician assistants;
- Article 6(d) of KSA 65-6230, concerning information and data collected under the Health Care Compact relating to the health information of any individual;
- KSA 72-6314(a), concerning student data submitted to and maintained by a statewide longitudinal data system; and

- KSA 74-7047(b), concerning various records submitted to or generated by peer review related to technical professions.

### ***Kansas Criminal Justice Reform Commission***

The bill would create the Kansas Criminal Justice Reform Commission (Commission).

#### ***Commission Members***

The Commission would be composed of the following voting members:

- One member of the Kansas Senate, appointed by the President of the Senate;
- One member of the Kansas Senate, appointed by the Minority Leader of the Senate;
- One member of the Kansas House of Representatives, appointed by the Speaker of the House of Representatives;
- One member of the Kansas House of Representatives, appointed by the Minority Leader of the Kansas House of Representatives;
- One member of the Judicial Branch Court Services, appointed by the Chief Justice of the Supreme Court;
- One criminal defense attorney or public defender, appointed by the Governor;
- 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;

- One sheriff and one chief of police, appointed by the Attorney General;
- 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;
- One drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program, appointed by the Kansas Sentencing Commission;
- One district judge, appointed by the Kansas District Judges Association;
- One district magistrate judge, appointed by the Kansas District Magistrate Judges Association;
- One member representative of the faith-based community, appointed by the Governor;
- One member of a criminal justice reform advocacy organization, appointed by the Legislative Coordinating Council (LCC);
- One mental health professional, appointed by the Kansas Community Mental Health Association; and
- One member representative of community corrections, appointed by the Secretary of Corrections.

The Commission would also include the following non-voting members:

- The Attorney General, or the Attorney General's designee;

- The Secretary of Corrections, or the Secretary's designee; and
- The Executive Director of the Kansas Sentencing Commission, or the Director's designee.

The bill would require appointment of members of the Commission to be completed by August 1, 2019. The appointing authorities would be required to provide notice of such appointments to the Office of Revisor of Statutes and the Legislative Research Department. The members of the Commission would be required to elect officers from among its members as necessary to discharge its duties.

#### *Commission Duties*

The bill would require the Commission to:

- Analyze the sentencing guideline grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;
- Review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;
- Analyze diversion programs utilized throughout the state and make recommendations with respect to expanding diversion options and implementation of statewide diversion standards;
- Review the supervision levels and programming available for offenders who serve sentences for felony offenses on community supervision;
- Study specialty courts and make recommendations for the use of specialty courts throughout the state;

- 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;
- 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;
- 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
- Study other matters as the Commission determines are appropriate and necessary to complete a thorough review of the criminal justice system.

The bill would authorize the Commission to organize and appoint task forces or subcommittees as necessary to discharge its duties, and the Commission could appoint ex officio, nonvoting members to such task forces or subcommittees.

#### *Sentencing Proportionality*

The bill would direct the Commission to work with the Kansas Judicial Council, the Department of Corrections, and the Kansas Sentencing Commission to review studies and findings of the Sentencing Commission concerning proportionality of sentencing.

### *Testimony and Meetings*

The bill would direct the Commission to receive testimony from interested parties at public hearings to be held in various geographic areas of the state.

### *Reports to the Legislature*

The bill would require the Commission to prepare and submit its interim report to the Legislature on or before December 1, 2019. The bill would require a final report and recommendations to be submitted to the Legislature on or before December 1, 2020.

### *Support Services and Compensation*

The bill would require the Governor to appoint a facilitator to provide administrative assistance to develop a project plan and to assist the Commission in carrying out the duties of the Commission. The facilitator would work in collaboration with the Commission chairperson and staff of the Office of Revisor of Statutes and the Legislative Research Department. The facilitator would not be a member of the Commission.

Staff of the Office of Revisor of Statutes and the Legislative Research Department would be required to provide assistance as requested by the Commission, subject to approval by the LCC.

The facilitator, in coordination with the Office of Revisor of Statutes and the Legislative Research Department, would be required to call the first meeting of the Commission to take place during August 2019.

If approved by the LCC, legislative members of the Commission attending meetings authorized by the

Commission would be paid amounts for expenses, mileage, and subsistence pursuant to KSA 75-3223(e).

### ***Kansas Closed Case Task Force***

The bill would create the Kansas Closed Case Task Force (Task Force).

#### ***Task Force Members***

The Task Force would be composed of the following 15 voting members:

- The chairpersons of the Senate and House Committees on Judiciary, who would serve as co-chairpersons of the Task Force;
- The ranking minority members of the Senate and House Committees on Judiciary;
- The Governor, or the Governor's designee;
- The Attorney General, or the Attorney General's designee;
- The Director of the KBI, or the Director's designee;
- The state combined DNA index system (CODIS) administrator, as designated by the Director of the KBI Forensic Science Laboratory;
- One sheriff designated by the Kansas Sheriffs Association;
- One chief of police designated by the Kansas Association of Chiefs of Police;
- One prosecutor designated by the Kansas County and District Attorneys Association;

- The Executive Director of the State Board of Indigents' Defense Services (BIDS), or the Executive Director's designee;
- The President of the Kansas Bar Association, or the President's designee;
- The Director of Victims Services of the Kansas Department of Corrections (KDOC), or the Director's designee; and
- One representative of an organization that litigates claims of innocence, designated by the Governor.

The bill would require the above appointments to be made on or before September 1, 2019.

#### *Task Force Meetings*

The bill would require the Task Force to hold its initial meeting on or before October 1, 2019. The Task Force could meet in an open meeting at any time and place within Kansas upon the call of either co-chairperson. A majority of voting members would constitute a quorum, and any action would be by motion adopted by a majority of the voting members present when there is a quorum.

#### *Task Force Duties*

The bill would require the Task Force, in consultation with practitioners and experts, to develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

- Timely receipt of data relating to hits to CODIS from the forensic laboratory;

- Directly connecting the data relating to hits to CODIS to the relevant case file;
- Proper policies and procedures to ensure all hits are accounted for and followed up;
- Procedures addressing how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and
- Sharing the hits in data from solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

#### *Plan, Report, and Expiration*

The bill would require the Task Force to complete a plan for implementation of a protocol relating to hits to closed cases by October 1, 2020, including a mechanism to ensure uniform compliance at the local law enforcement agency level. The bill would require a report containing a plan for uniform statewide implementation of the protocol, including articulated benchmarks to facilitate and measure adoption, to be submitted to the Governor, Speaker of the House of Representatives, and President of the Senate, as well as posted on a public KBI website, on or before December 1, 2020.

The provisions of the bill related to the Task Force would expire on December 30, 2020.

#### *Support Services and Compensation*

Legislative members attending meetings authorized by the Task Force would be paid as specified in KSA 75-3223(e).

Non-legislative members could be reimbursed by their appointing authority.

### ***Technical Amendments***

The bill would make technical amendments to ensure consistency in statutory phrasing.

The bill would be in effect upon publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of HB 2290, as amended by the Senate Committee of the Whole, regarding the Division, Kansas Youth Suicide Prevention Coordinator, Kansas VINE Coordinator, and payment for defense of KORA and KOMA violations (with a clarifying change to this provision). The Conference Committee further agreed to add the contents of:

- HB 2360, as amended by the House Committee on Children and Seniors and recommended by the Senate Committee on Judiciary, regarding background checks;
- HB 2137, extending certain KORA exceptions;
- Sub. for HB 2018, as amended by the House Committee of the Whole, creating the Kansas Criminal Justice Reform Commission; and
- SB 102, creating the Kansas Closed Case Task Force, modified to remove the whereas clauses and to add the state CODIS administrator as a member.

## **Background**

As it entered conference, HB 2290, as amended by the Senate Committee of the Whole, included provisions of HB 2290, as amended by the House Committee on Judiciary and passed by the House, regarding the establishment of the Division within the OAG; SB 211, as introduced, regarding the establishment of a Kansas Youth Suicide Prevention Coordinator within the OAG; SB 212, as introduced, regarding the establishment of a VINE Coordinator within the OAG; and a Senate Committee of the Whole amendment regarding payment for defense of KORA and KOMA violations.

The Conference Committee agreed to these provisions (with a clarifying change to the KORA and KOMA defense provision) and further agreed to add provisions from HB 2360, regarding background checks; HB 2137, extending certain KORA exceptions; Sub. for HB 2018, establishing the Kansas Criminal Reform Commission; and SB 102, creating the Kansas Closed Case Task Force (with modifications).

### ***HB 2290 (OAG and KORA and KOMA Defense)***

HB 2290 was introduced by the House Committee on Judiciary at the request of the OAG. As introduced, the bill would have established the Division in the OAG.

In the House Committee hearing, the Attorney General testified in support of the bill, stating the bill would place in statute a structure based upon a 2012 memorandum of understanding under which the OAG has been providing support to the CVCB. Overall, the program has been managed as part of the Office since 1989. The chairperson of the CVCB submitted written-only testimony supporting the bill. No other testimony was provided.

The House Committee made a technical amendment to the bill title.

In the Senate Committee on Judiciary hearing, the Attorney General testified in support of the bill. The Chairperson of the Crime Victims Compensation Board provided written-only proponent testimony. No other testimony was provided.

The Senate Committee amended the bill by inserting the contents of SB 212, regarding the establishment of a VINE coordinator within the OAG, and the contents of SB 213, regarding Attorney General representation in KORA and KOMA violations. [Note: The Conference Committee retained the amendment adding the contents of SB 212.]

The Senate Committee of the Whole amended HB 2290 by inserting the contents of SB 211, as introduced by the Senate Committee on Federal and State Affairs, regarding the establishment of a Kansas Youth Suicide Prevention Coordinator within the OAG; removing the contents of SB 213, regarding Attorney General representation of KORA and KOMA violations [Note: Background information for SB 213 can be found in the supplemental note for HB 2290, as amended by the Senate Committee on Judiciary]; and inserting provisions regarding payment for defense or indemnification of KORA and KOMA violations within the Kansas Tort Claims Act. [Note: The Conference Committee retained these amendments and made a clarifying change to the provision regarding payment for defense or indemnification of KORA or KOMA violations.]

According to the fiscal note prepared by the Division of the Budget on HB 2290, as introduced, the OAG, Office of Judicial Administration, Kansas Association of Counties, and the League of Kansas Municipalities indicate enactment of the bill would have no fiscal effect.

*SB 211 (Kansas Youth Suicide Prevention Coordinator)*

SB 211 was introduced by the Senate Committee on Federal and State Affairs at the request of the OAG. In the

Senate Committee on Education hearing, the co-chair of the Kansas Youth Suicide Prevention Task Force testified in support of the bill. The Attorney General submitted written-only proponent testimony. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 211, the OAG indicates enactment of the bill would result in additional expenditures of \$100,924 to hire 1.0 Kansas Youth Suicide Prevention Coordinator full-time equivalent (FTE) position. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

#### *SB 212 (VINE Coordinator)*

SB 212 was introduced by the Senate Committee on Federal and State Affairs at the request of the OAG. In the Senate Committee on Judiciary hearing, a representative of the Kansas Sheriffs Association testified in support of the bill. Written-only proponent testimony was provided by the OAG. No other testimony was provided.

According to the fiscal note prepared by the Division of the Budget on SB 212, the OAG indicates enactment of the bill could result in additional expenditures of \$96,854 to hire 1.0 VINE Coordinator FTE position. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.

#### ***HB 2360 (Background Checks)***

HB 2360 was introduced by the House Committee on Children and Seniors at the request of a representative of the KBI. In the House Committee hearing, representatives of Court Appointed Special Advocates, Jobs for America's Graduates, KBI, Kansas Council on Developmental Disabilities, and the Office of Judicial Administration testified in favor of the bill. The KBI representative stated the federal

Child Protection Improvements Act (CPIA), enacted in March 2018, amended the National Child Protection Act/Volunteers for Children Act to require states to have procedures, established by statute or regulation, that require qualified entities to contact an agency authorized by the state and request the background check. The KBI representative stated, beginning in March 2019, absent state legislation, the KBI will no longer be able to perform state and national criminal history record checks for the non-governmental businesses and organizations for which it currently provides these services. The KBI representative noted the CPIA allows qualified entities to submit fingerprints directly to the Federal Bureau of Investigation (FBI) through an entity designated by the U.S. Attorney General, which first requires the FBI and the U.S. Department of Justice to establish a CPIA Program; however, to date, the KBI has not received any information to suggest a CPIA Program has been established nor a designated entity identified. The other proponents generally stated their need for the KBI to continue to provide the state and national criminal background checks on which their organizations rely to continue their programs. Written-only proponent testimony was provided by a representative of The Center of Wichita.

Neutral testimony was provided by a representative of LeadingAge Kansas, who requested the bill be amended to include an exemption for licensed adult care homes, home health agencies, and disability service providers to avoid two competing and contradictory background check statutes. Written-only neutral testimony was provided by a representative of the Kansas Health Care Association and the Kansas Center for Assisted Living.

No opponent testimony was provided.

The Senate Committee amended the bill to include supervised employees and volunteers in the definition of a provider, exclude additional businesses and organizations from the definition of a qualified entity, and make a technical

amendment. [Note: the Conference Committee retained these amendments.]

According to the fiscal note prepared by the Division of the Budget on HB 2360, as introduced, the KBI, Kansas Department for Aging and Disability Services, Kansas Department of Health and Environment, and the Kansas Department for Children and Families indicate enactment of the bill would have no fiscal effect. The League of Kansas Municipalities indicates cities would incur costs of \$30 to \$50 for fingerprinting fees for each individual affected, but it is unable to estimate a fiscal effect. Any fiscal effect associated with the bill is not reflected in *The FY 2020 Governor's Budget Report*.

#### ***HB 2137 (Review of KORA Exceptions)***

A sunset provision for all exceptions to KORA was added in 2000, requiring a review of existing exceptions within five years and of any new exception or substantial amendment to an exception by July 1 of the fifth year after enactment. Absent such review, they would expire. The law also required any exceptions continued after legislative review to be reviewed again five years later; however, 2013 HB 2012 modified the requirement so that exceptions would no longer be subject to review and expiration if the Legislature reviews and continues the exception during the 2013 Session or thereafter.

HB 2137 was introduced by the House Committee on Judiciary at the request of Representative Patton. In the House Committee hearing, staff presented an overview of the bill. No other testimony was provided. The House Committee recommended the bill favorably for passage.

The bill was subsequently referred to the House Committee on Appropriations on February 27, 2019. The bill was then rereferred to the House Committee on Judiciary on

March 6, 2019. On March 18, 2019, the House Committee again voted to recommend the bill favorably for passage.

According to the fiscal note prepared by the Division of the Budget, the Office of the State Bank Commissioner indicates enactment of HB 2137 would have no fiscal effect.

***Sub. for HB 2018 (Kansas Criminal Justice Reform Commission)***

HB 2018 was introduced by Representative Carmichael. As introduced, and as heard by the House Committee on Corrections and Juvenile Justice, the bill would have removed the prosecutorial power of the Secretary of State for certain elections crimes. On January 30, 2019, the House Committee on Corrections and Juvenile Justice recommended HB 2042, with similar subject matter, be passed favorably as amended.

The House Committee on Corrections and Juvenile Justice subsequently recommended a substitute bill for HB 2018 be passed containing the provisions creating the Kansas Criminal Justice Reform Commission, based upon similar language distributed at a previous House Committee hearing by the chairperson.

The bill was referred to the House Committee on Appropriations on February 27, 2019. The bill was then rereferred to the House Committee on Corrections and Juvenile Justice on March 12, 2019. On March 14, 2019, the House Committee on Corrections and Juvenile Justice amended the substitute bill to adjust the defense attorney, drug and alcohol addiction treatment provider, and criminal justice reform advocacy organization appointees, and to adjust the compensation provisions. [Note: The Conference Committee retained these amendments, as modified by the House Committee of the Whole amendments described below.]

The House Committee of the Whole, on March 25, 2019, amended the bill to specify the drug and alcohol addiction treatment provider member be appointed by the Kansas Sentencing Commission; add a requirement members be appointed by August 1, 2019; add a notice requirement for appointments; and add a requirement the first meeting take place during August 2019. [Note: The Conference Committee retained these amendments.]

At the time of House action on the substitute bill, no fiscal note was available for the substitute bill.

### ***SB 102 (Kansas Closed Case Task Force)***

SB 102 was introduced by the Senate Committee on Judiciary at the request of Senator Haley. In the Senate Committee hearing, Senator Haley, a representative of the Innocence Project and Midwest Innocence Project, and a representative of the Emmett Till Justice Campaign testified in support of the bill. No other testimony was provided.

The Senate Committee recommended SB 102 be placed on the Consent Calendar.

According to the fiscal note prepared by the Division of the Budget on the bill, Legislative Administrative Services indicates enactment of SB 102 would result in \$14,258 in additional State General Fund expenditures for four legislators to attend six meetings in FY 2020, which would include salaries and wages, subsistence, mileage, tolls, en route compensation, and employer costs. These expenses could increase in FY 2021 if mileage and *per diem* subsistence rates increase.

KDOC indicates expenses related to the Director of Victim Services' participation in the Task Force would be negligible and could be absorbed through existing resources. The KBI indicates enactment of the bill would require additional staff time and travel expenses, but the fiscal effect

on the agency would be negligible. BIDS indicates the fiscal effect on the agency cannot be estimated.

The OAG indicates enactment of SB 102 would result in additional staff time and travel expenses, as well as a county sheriff and local prosecutor incurring expenses for additional staff time and travel. The OAG also indicates the cost of implementation of the protocols adopted by the Task Force would largely fall onto local law enforcement and the KBI. Any fiscal effect associated with the enactment of SB 102 is not reflected in *The FY 2020 Governor's Budget Report*.

public agencies; Attorney General; Crime Victims Compensation Division; Kansas Youth Suicide Prevention Coordinator; Kansas VINE Coordinator; open records; open meetings; Tort Claims Act; Kansas Bureau of Investigation; background checks; Kansas Criminal Justice Reform Commission; Kansas Closed Case Task Force

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