

2023 Kansas Statutes

20-173. Specialty court programs; rules; specialty court funding advisory committee; duties, membership, compensation; specialty court resources fund; program completion, reduction or modification of sentence. (a) The supreme court shall 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 the rules adopted by the supreme court.

(b) (1) There is hereby established a specialty court funding advisory committee within the judicial branch. The committee shall:

(A) Evaluate resources available for assessment and treatment of people assigned to specialty courts or for the operation of specialty courts;

(B) secure grants, funds and other property and services necessary or advantageous to facilitate the operation of specialty courts;

(C) recommend to the judicial administrator the allocation of resources among the various specialty courts operating within the state; and

(D) recommend legislation and rules to aid the development of specialty courts.

(2) The committee shall consist of the following members:

(A) The chairperson of the standing committee on judiciary in the house of representatives, or the chairperson's designee;

(B) the chairperson of the standing committee on judiciary in the senate, or the chairperson's designee;

(C) the chairperson of the legislative budget committee created pursuant to K.S.A. 46-1208, and amendments thereto, or the chairperson's designee;

(D) one member of the legislature from the minority party appointed jointly by the minority leader in the house of representatives and the minority leader in the senate;

(E) five members appointed by the chief justice of the supreme court, including one representative of the prosecutors throughout the state and one representative of the criminal defense attorneys throughout the state;

(F) one member appointed by the secretary of corrections who shall serve as an ex officio, nonvoting member;

(G) one member appointed by the secretary for aging and disability services who shall serve as an ex officio, nonvoting member; and

(H) a drug and alcohol addiction treatment provider appointed by the Kansas sentencing commission who shall serve as an ex officio, nonvoting member.

(3) Three members appointed by the chief justice shall be appointed for a term of three years. Two members appointed by the chief justice shall be appointed for a term of two years. The ex officio, nonvoting members shall be appointed for a term of two years. Members shall serve until a qualified successor is appointed. Vacancies shall be filled in the same manner as provided in this subsection. Members of the committee shall be appointed prior to August 1, 2022.

(4) The chief justice of the supreme court shall designate the chairperson of the committee.

(5) The office of judicial administration may provide technical assistance to the committee.

(6) All members of the committee who are not judicial members shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto. Judicial members shall receive reimbursement for travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto.

(7) Nothing in this section shall prohibit any judicial district, local government or the judicial branch from directly applying for, receiving and retaining funding to facilitate the operation of specialty courts. Funds received by a judicial district or local government shall not be remitted to the state treasurer in accordance with this section.

(c) (1) There is hereby established the specialty court resources fund in the state treasury which shall be administered by the judicial administrator. All expenditures from the specialty court resources fund shall be for the purpose of operating specialty court programs established pursuant to this section, including administrative costs

related to such programs. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator or the judicial administrator's designee.

(2) Funds acquired through appropriations, grants, gifts, contributions and other public or private sources that are designated for specialty court operations shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the specialty court resources fund.

(d) (1) If a person is sentenced to participate in a specialty courts program pursuant to K.S.A. 21-6604, and amendments thereto, and the person successfully completes such program, the person's sentence may be reduced or modified.

(2) Nothing in this subsection shall be construed to authorize a judge to impose, modify or reduce a sentence below the minimum sentence required by law.

(e) For the purposes of this section, "specialty court" means a district court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a person's involvement in the judicial system, including, but not limited to, mental illness or drug, alcohol or other addictions. Procedures may include treatment, mandatory periodic testing for prohibited drugs or other substances, community supervision and appropriate sanctions and incentives.

History: L. 2022, ch. 79, § 1; July 1.