

Attorney General—Duties; Notice of Intent to Seek the Death Penalty; Senate Sub. for HB 2043

Senate Sub. for HB 2043 amends the statute setting forth the duties of the Attorney General to clarify that the Attorney General will represent the State in “any and all” actions in the Kansas Supreme Court, Kansas Court of Appeals, and in all federal courts in which the state is interested or a party. The bill clarifies that the Attorney General, when so appearing, controls the State’s prosecution or defense.

The bill also amends the law concerning notice required in capital murder cases that a county or district attorney intends to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. The bill allows the Attorney General to file notice in cases where the county or district attorney or a court determines a conflict exists. The bill also changes “county or district attorney” to “prosecuting attorney” to reflect the Attorney General’s ability to file notice.