

Substitute for HOUSE BILL No. 2018

By Committee on Corrections and Juvenile Justice

2-25

Proposed Amendments to HB 2018 - Jennings
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
March 14, 2019

1 AN ACT creating the Kansas criminal justice reform commission; relating
2 to duties and membership; report to legislature.
3

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

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

7 (b) The commission shall:

8 (1) Analyze the sentencing guidelines grids for drug and nondrug
9 crimes and make recommendations for legislation that would ensure
10 sentences are appropriate;

11 (2) review the sentences imposed for criminal conduct to determine
12 whether the sentences are proportionate to other sentences imposed for
13 criminal offenses;

14 (3) analyze diversion programs utilized throughout the state and make
15 recommendations with respect to expanding diversion options and
16 implementation of a state-wide diversion standards;

17 (4) review the supervision levels and programming available for
18 offenders who serve sentences for felony offenses on community
19 supervision;

20 (5) study specialty courts and make recommendations for the use of
21 specialty courts throughout the state;

22 (6) survey the availability of evidence-based programming for
23 offenders provided both in correctional facilities and in the community,
24 and make recommendations for changes in available programming;

25 (7) study the policies of the department of corrections for placement
26 of offenders within the correctional facility system and make
27 recommendations with respect to specialty facilities, including, but not
28 limited to, geriatric, healthcare and substance abuse facilities;

29 (8) evaluate existing information management data systems and make
30 recommendations for improvements to data systems that will enhance the
31 ability of criminal justice agencies to evaluate and monitor the efficacy of
32 the criminal justice system at all points in the criminal justice process; and

33 (9) study other matters, that, as the commission determines, are
34 appropriate and necessary to complete a thorough review of the criminal
35 justice system.

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

- 1 (1) One member of the Kansas senate appointed by the president of
- 2 the senate;
- 3 (2) one member of the Kansas senate appointed by the minority
- 4 leader of the senate;
- 5 (3) one member of the Kansas house of representatives appointed by
- 6 the speaker of the Kansas house of representatives;
- 7 (4) one member of the Kansas house of representatives appointed by
- 8 the minority leader of the Kansas house of representatives;
- 9 (5) one member of the judicial branch court services ~~appointed by the~~ criminal
- 10 chief justice of the supreme court;
- 11 (6) one defense attorney or public defender appointed by the
- 12 governor;
- 13 (7) one county or district attorney from an urban area and one county
- 14 attorney from a rural area appointed by the Kansas county and district
- 15 attorneys association;
- 16 (8) one sheriff and one chief of police appointed by the attorney
- 17 general;
- 18 (9) one professor of law from the university of Kansas school of law
- 19 and one professor of law from Washburn university school of law,
- 20 appointed by the deans of such schools;
- 21 (10) one drug and alcohol addiction treatment provider ~~appointed by~~ who provides services pursuant to the
- 22 the governor;
- 23 (11) one district judge appointed by the Kansas district judges
- 24 association;
- 25 (12) one district magistrate judge appointed by the Kansas district
- 26 magistrate judges association;
- 27 (13) one member representative of the faith-based community
- 28 appointed by the governor;
- 29 (14) one member of a criminal justice reform advocacy ~~organization~~ legislative coordinating council
- 30 appointed by the governor;
- 31 (15) one mental health professional appointed the by Kansas
- 32 community mental health association;
- 33 (16) one member representative of community corrections appointed
- 34 by the secretary of corrections; and
- 35 (17) the attorney general, the secretary of corrections and the
- 36 executive director of the Kansas sentencing commission, or such persons'
- 37 designees, shall serve as ex officio, nonvoting members of the
- 38 commission.
- 39 (d) The members of the commission shall elect officers from among
- 40 its members necessary to discharge its duties. The commission shall
- 41 receive testimony from interested parties at public hearings to be
- 42 conducted in the various geographic areas of the state.
- 43 (e) ~~Each member of the commission shall receive compensation,~~

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.

,the office of judicial administration

1 ~~subsistence allowances, mileage and other expenses as provided for in~~
2 ~~K.S.A. 75-3223, and amendments thereto, except that the public members~~
3 ~~shall receive compensation in the amount provided for legislators pursuant~~
4 ~~to K.S.A. 75-3212, and amendments thereto, for each day or part thereof~~
5 ~~actually spent on commission activities. No per diem compensation shall~~
6 ~~be paid under this subsection to salaried state, county or city officers or~~
7 ~~employees, except that the legislative members shall receive compensation~~
8 ~~as provided in K.S.A. 75-3212, and amendments thereto.~~
9 (f) The commission shall have the authority to organize and appoint
10 such task forces or subcommittees as may be deemed necessary to
11 discharge such commission's duties, including adding ex officio, nonvoting
12 members to such task forces or subcommittees.
13 (g) The commission shall work with the Kansas judicial council, the
14 department of corrections and the Kansas sentencing commission and
15 review studies and findings of the Kansas sentencing commission
16 concerning proportionality of sentencing.
17 (h) The commission shall prepare and submit its interim report to the
18 legislature on or before December 1, 2019. A final report and
19 recommendations shall be submitted to the legislature on or before
20 December 1, 2020.
21 (i) The staff of the office of revisor of statutes and the legislative
22 research department shall provide such assistance as may be requested by
23 the commission as authorized by the legislative coordinating council.
24 (j) The governor shall appoint a facilitator to assist the commission in
25 developing a project plan and who shall assist the commission in carrying
26 out the duties of the commission in an orderly manner. The facilitator shall
27 work in collaboration with the commission chairperson and staff of the
28 office of revisor of statutes and the legislative research department. The
29 facilitator shall not be a member of the commission.
30 Sec. 2. This act shall take effect and be in force from and after its
31 publication in the statute book.