

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2429

By Representatives Owens and Finney

12-17

1 AN ACT concerning **task forces and commissions; relating to the**  
2 **Kansas closed case task force; staff assistance;** the Kansas criminal  
3 justice reform commission; ~~relating to membership;~~ public defender;  
4 amending K.S.A. 2019 Supp. **21-6901 and 21-6902** and repealing the  
5 existing ~~section~~ **sections.**  
6

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

8 **Section 1. K.S.A. 2019 Supp. 21-6901 is hereby amended to read**  
9 **as follows: 21-6901. (a) There is hereby established the Kansas closed**  
10 **case task force. The task force shall be composed of 15 voting**  
11 **members, as follows:**

12 **(1) The chairperson of the standing senate committee on**  
13 **judiciary;**

14 **(2) the ranking minority member of the standing senate**  
15 **committee on judiciary;**

16 **(3) the chairperson of the standing house committee on judiciary;**

17 **(4) the ranking minority member of the standing house**  
18 **committee on judiciary;**

19 **(5) the governor or the governor's designee;**

20 **(6) the attorney general or the attorney general's designee;**

21 **(7) the director of the Kansas bureau of investigation or the**  
22 **director's designee;**

23 **(8) the state combined DNA index system (CODIS) administrator**  
24 **as designated by the director of the Kansas bureau of investigation**  
25 **forensic science laboratory;**

26 **(9) a sheriff as designated by the Kansas sheriff's association;**

27 **(10) a chief of police as designated by the Kansas association of**  
28 **chiefs of police;**

29 **(11) a prosecutor as designated by the Kansas county and district**  
30 **attorneys association;**

31 **(12) the executive director of the state board of indigents' defense**  
32 **services or the executive director's designee;**

33 **(13) the president of the Kansas bar association or the president's**  
34 **designee;**

35 **(14) the director of victim services of the department of**  
36 **corrections or the director's designee; and**

1       **(15) one member designated by the governor who represents an**  
2 **organization that litigates claims of innocence.**

3       **(b) (1) Members shall be appointed to the task force on or before**  
4 **September 1, 2019. The initial meeting of the task force shall be**  
5 **convened on or before October 1, 2019.**

6       **(2) The chairperson of the standing senate committee on**  
7 **judiciary and the chairperson of the standing house committee on**  
8 **judiciary shall serve as co-chairs of the task force.**

9       **(3) The task force shall meet in an open meeting at any time and**  
10 **at any place within the state of Kansas upon the call of either co-**  
11 **chairperson of the task force. A majority of the voting members of the**  
12 **task force constitutes a quorum. Any action by the task force shall be**  
13 **by motion adopted by a majority of the voting members present when**  
14 **there is a quorum.**

15       **(c) The task force, in consultation with practitioners and experts,**  
16 **shall develop a plan to ensure uniform statewide policies and**  
17 **procedures that address, at a minimum:**

18       **(1) Timely receipt of the data relating to hits to the combined**  
19 **DNA index system (CODIS) from the forensic laboratory;**

20       **(2) directly connecting the data relating to hits to the combined**  
21 **DNA index system (CODIS) to the relevant case file;**

22       **(3) proper policies and procedures to ensure all hits are**  
23 **accounted for and followed up;**

24       **(4) procedures to address how the key parties can conduct a**  
25 **reasonable and timely investigation into the significance of the hit; and**

26       **(5) sharing the hits in data from both solved and unsolved cases**  
27 **with other key parties, including the relevant prosecutors' offices, the**  
28 **original defense attorney and the last known attorney of record, crime**  
29 **victims and surviving relatives, and a local organization that litigates**  
30 **claims of innocence.**

31       **(d) The task force shall complete a plan for implementation of a**  
32 **protocol relating to hits to closed cases by October 1, 2020. The plan**  
33 **shall include a mechanism to ensure uniform compliance at the local**  
34 **law enforcement agency level.**

35       **(e) On or before December 1, 2020, the task force shall submit a**  
36 **report containing a plan for uniform implementation of the protocol**  
37 **throughout the state, including articulated benchmarks to facilitate**  
38 **and measure adoption. This report shall be posted on a public website**  
39 **maintained by the Kansas bureau of investigation and presented to the**  
40 **governor, the speaker of the house of representatives and the president**  
41 **of the senate.**

42       **(f) Legislative members of the task force attending meetings**  
43 **authorized by the task force shall be paid amounts provided in K.S.A.**

1 **75-3223(e), and amendments thereto. Non-legislative members of the**  
2 **task force may be reimbursed by their appointing authority.**

3 **(g)** *Staff of the office of revisor of statutes, the legislative research*  
4 *department and the division of legislative administrative services shall*  
5 *provide assistance to the Kansas closed case task force as may be*  
6 *requested by the co-chairs of the task force.*

7 **(h) The provisions of this section shall expire on December 30,**  
8 **2020.**

9 ~~Section 1.~~ **Sec. 2.** K.S.A. 2019 Supp. 21-6902 is hereby amended to  
10 read as follows: 21-6902. (a) There is hereby created the Kansas criminal  
11 justice reform commission.

12 (b) The commission shall:

13 (1) Analyze the sentencing guidelines grids for drug and nondrug  
14 crimes and make recommendations for legislation that would ensure  
15 sentences are appropriate;

16 (2) review the sentences imposed for criminal conduct to determine  
17 whether the sentences are proportionate to other sentences imposed for  
18 criminal offenses;

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

22 (4) review the supervision levels and programming available for  
23 offenders who serve sentences for felony offenses on community  
24 supervision;

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

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

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

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

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

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

42 (1) One member of the Kansas senate appointed by the president of  
43 the senate;

1 (2) one member of the Kansas senate appointed by the minority  
2 leader of the senate;

3 (3) one member of the Kansas house of representatives appointed by  
4 the speaker of the Kansas house of representatives;

5 (4) one member of the Kansas house of representatives appointed by  
6 the minority leader of the Kansas house of representatives;

7 (5) one member of the judicial branch court services appointed by the  
8 chief justice of the supreme court;

9 ~~(6) one criminal defense attorney or public defender two criminal~~  
10 ~~defense attorneys, one of whom shall be a public defender, one criminal~~  
11 **defense attorney or public defender** appointed by the governor;

12 **(7) one public defender appointed by the executive director of the**  
13 **board of indigents' defense services;**

14 **(8)** one county or district attorney from an urban area and one county  
15 attorney from a rural area appointed by the Kansas county and district  
16 attorneys association;

17 ~~(8)~~**(9)** one sheriff and one chief of police appointed by the attorney  
18 general;

19 ~~(9)~~**(10)** one professor of law from the university of Kansas school of  
20 law and one professor of law from Washburn university school of law,  
21 appointed by the deans of such schools;

22 ~~(10)~~**(11)** one drug and alcohol addiction treatment provider who  
23 provides services pursuant to the certified drug abuse treatment program  
24 appointed by the Kansas sentencing commission;

25 ~~(11)~~**(12)** one district judge appointed by the Kansas district judges  
26 association;

27 ~~(12)~~**(13)** one district magistrate judge appointed by the Kansas district  
28 magistrate judges association;

29 ~~(13)~~**(14)** one member representative of the faith-based community  
30 appointed by the governor;

31 ~~(14)~~**(15)** one member of a criminal justice reform advocacy  
32 organization appointed by the legislative coordinating council;

33 ~~(15)~~**(16)** one mental health professional appointed by the Kansas  
34 community mental health association;

35 ~~(16)~~**(17)** one member representative of community corrections  
36 appointed by the secretary of corrections; and

37 ~~(17)~~**(18)** the attorney general, the secretary of corrections and the  
38 executive director of the Kansas sentencing commission, or such persons'  
39 designees, shall serve as ex officio, nonvoting members of the  
40 commission.

41 (d) Members of the commission shall be appointed before August 1,  
42 2019. The appointing authorities shall provide notice of such appointments  
43 to the office of revisor of statutes and the legislative research department.

1 (e) The members of the commission shall elect officers from among  
2 its members necessary to discharge its duties. The commission shall  
3 receive testimony from interested parties at public hearings to be  
4 conducted in the various geographic areas of the state.

5 (f) **(1)** If approved by the legislative coordinating council, legislative  
6 members of the commission attending meetings authorized by the  
7 commission shall be paid amounts for expenses, mileage and subsistence  
8 as provided in K.S.A. 75-3223(e), and amendments thereto.

9 **(2) Members of the commission who are not legislators or public**  
10 **employees shall receive mileage, tolls and parking as provided in**  
11 **K.S.A. 75-3223, and amendments thereto, for attendance at any**  
12 **meeting of the commission or any subcommittee meeting authorized**  
13 **by the commission.**

14 (g) The commission shall have the authority to organize and appoint  
15 such task forces or subcommittees as may be deemed necessary to  
16 discharge such commission's duties, including adding ex officio, nonvoting  
17 members to such task forces or subcommittees.

18 (h) The commission shall work with the Kansas judicial council, the  
19 department of corrections, the office of judicial administration and the  
20 Kansas sentencing commission and review studies and findings of the  
21 Kansas sentencing commission concerning proportionality of sentencing.

22 (i) The commission shall prepare and submit its interim report to the  
23 legislature on or before December 1, 2019. A final report and  
24 recommendations shall be submitted to the legislature on or before  
25 December 1, 2020.

26 (j) The staff of the office of revisor of statutes and the legislative  
27 research department shall provide such assistance as may be requested by  
28 the commission as authorized by the legislative coordinating council.

29 (k) The governor shall appoint a facilitator to assist the commission  
30 in developing a project plan and who shall assist the commission in  
31 carrying out the duties of the commission in an orderly manner. The  
32 facilitator shall work in collaboration with the commission chairperson and  
33 staff of the office of revisor of statutes and the legislative research  
34 department. The facilitator shall not be a member of the commission. The  
35 facilitator, in coordination with the office of revisor of statutes and the  
36 legislative research department, shall call the first meeting of the  
37 commission, which shall take place during August 2019.

38 **(l) For the purposes of this section, "public employee" means any**  
39 **employee of the state of Kansas, any employee of a city incorporated**  
40 **under the laws of the state of Kansas or any employee of a county,**  
41 **township, school district or other political subdivision of the state of**  
42 **Kansas.**

43 Sec. ~~2~~ 3. K.S.A. 2019 Supp. 21-6901 and 21-6902 ~~is~~ are hereby

1 repealed.

2       Sec.~~3~~ **4.** This act shall take effect and be in force from and after its  
3 publication in the statute book.