

## 2021 Kansas Statutes

- 21-6902. **Kansas criminal justice reform commission; duties; members; report.** (a) There is hereby created the Kansas criminal justice reform commission.
- (b) The commission shall:
- (1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;
  - (2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;
  - (3) analyze diversion programs utilized throughout the state and make recommendations for legislation that:
    - (A) Requires pre-filing and post-filing diversion be an option in all counties;
    - (B) establishes minimum statewide standards for diversion; and
    - (C) provides a method for sealing or otherwise removing diversion records from criminal records;
  - (4) review supervision practices for offenders who serve sentences for felony offenses on community supervision, including supervision by court services, community corrections and parole;
  - (5) discuss and develop detailed recommendations for legislation that establishes research-based standards and practices for all community supervision programs that:
    - (A) Provide for incentives for compliant offenders to earn early discharge from supervision;
    - (B) create standardized terms and conditions for community supervision and provide for a method that courts may utilize to use special terms as indicated through the introduction of compelling evidence;
    - (C) create standardized effective responses to behavior through a system of incentives and graduated sanctions; and
    - (D) provide for a means to consolidate concurrent supervision into one supervision agency; and
  - (6) monitor the implementation of previously endorsed commission recommendations, including those developed through justice reinvestment, and receive updates, review data and identify opportunities for coordination, collaboration or legislation as needed.
- (c) The commission shall be made of the following members:
- (1) One member of the Kansas senate appointed by the president of the senate;
  - (2) one member of the Kansas senate appointed by the minority leader of the senate;
  - (3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;
  - (4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;
  - (5) one member of the judicial branch court services appointed by the chief justice of the supreme court;
  - (6) one criminal defense attorney or public defender appointed by the governor;
  - (7) one public defender appointed by the executive director of the board of indigents' defense services;
  - (8) 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;
  - (9) one sheriff and one chief of police appointed by the attorney general;
  - (10) 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;

- (11) one drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program appointed by the Kansas sentencing commission;
  - (12) one district judge appointed by the Kansas district judges association;
  - (13) one district magistrate judge appointed by the Kansas district magistrate judges association;
  - (14) one member representative of the faith-based community appointed by the governor;
  - (15) one member of a criminal justice reform advocacy organization appointed by the legislative coordinating council;
  - (16) one mental health professional appointed by the Kansas community mental health association;
  - (17) one member representative of community corrections appointed by the secretary of corrections; and
  - (18) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.
- (d) The appointing authorities shall provide notice of such appointments to the office of revisor of statutes and the legislative research department.
  - (e) The members of the commission shall elect officers from among its members necessary to discharge its duties. The commission shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.
  - (f) 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.
  - (g) The commission shall have the authority to organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties, including adding ex officio, nonvoting members to such task forces or subcommittees.
  - (h) The commission shall work with the Kansas judicial council, the department of corrections, the office of judicial administration and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.
  - (i) The commission shall prepare and submit its interim report to the legislature on or before December 1, 2019. A final report and recommendations shall be submitted to the legislature on or before December 1, 2021.
  - (j) The staff of the office of revisor of statutes and the legislative research department shall provide such assistance as may be requested by the commission as authorized by the legislative coordinating council.
  - (k) The governor shall appoint a facilitator to assist the commission in developing a project plan and who shall assist the commission in carrying out the duties of the commission in an orderly manner. The facilitator shall work in collaboration with the commission chairperson and staff of the office of revisor of statutes and the legislative research department. The facilitator shall not be a member of the commission.

**History:** L. 2019, ch. 62, § 2; L. 2021, ch. 104, § 2; May 27.