

**OFFICE OF THE DISTRICT ATTORNEY
THIRD JUDICIAL DISTRICT OF KANSAS**

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Senate Bill 80 Regarding the Impaneling of Grand Juries

In 2012, the Kansas Legislature amended the grand jury statutes by expanding the scope of crimes that a grand jury can investigate. This was an excellent step in ensuring efficiency in the court system and has the potential to greatly save taxpayers tens of thousands of dollars per year in expenses associated with the subpoena process for preliminary hearings. Currently, the law allows for a grand jury to investigate off grid felony offenses and those felony offenses that fall in categories 1-4 on the Kansas Sentencing Guidelines Grid; as well as felony drug offenses categorized as level 1 or 2. The current proposal outlined in Senate Bill 80 seeks to expand the powers of the grand jury to include the investigation of all felony offenses, both drug and non-drug crimes. In addition, Senate Bill 80 would permit technical amendments to the indictment without having to re-present the case to the grand jury. Finally, Senate Bill 80 provides some housekeeping measures to the grand jury statutes collectively by cleaning up the statutory numbering and lettering scheme.

Currently, thousand of taxpayer dollars are wasted or inefficiently used by issuing thousands of subpoenas every year on preliminary hearings that never actually go to hearing. A majority of these unneeded subpoenas are for citizens that never have to testify but still have to appear so that if called upon, they can, as an example, simply testify that they did not give the defendant permission to steal their property, or be in their home or forge their name. Literally thousands of citizens rearrange their lives to come to court for that very purpose. For example, if a commercial storage facility were burglarized, every renter would have to appear in

court for that very purpose. Subpoenas would have to be generated, issued and served on those people to appear in court, not at a time of their choosing, in order to be ready to tell the court that they did not give authority for the defendant to break into their storage locker. Senate Bill 80 would allow for those cases to be presented instead to a grand jury where a law enforcement officer would be allowed to tell the grand jury that, after investigation, it was determined that the defendant had no authority to enter any victim's storage locker.

Please keep in mind that Senate Bill 80 only expands upon the things that the Kansas Legislature enacted last year. The statute allowing for preliminary hearings would still have full force and effect, and still be a viable option for Kansas prosecutors to use rather than impaneling a grand jury.

In Shawnee County alone, the following costs were associated with the preliminary hearing process during calendar years 2008-2012:

Year	Adult Subpoenas Generated	Juvenile Subpoenas Generated	Total Subpoenas Generated	Total Subpoena Processing Cost
2008	13079	2247	15326	\$322,459.04
2009	15425	2008	17433	\$366,790.32
2010	16668	2074	18742	\$394,331.68
2011	15118	1269	16387	\$344,782.48
2012	13918	1188	15106	\$317,830.24

On February 13, 2012 the Kansas Senate passed Senate Bill 80 with a vote of 39-0.