

**Substitute for HOUSE BILL No. 2018**

By Committee on Corrections and Juvenile Justice

2-25

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

1 justice system.

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

3 (1) One member of the Kansas senate appointed by the president of  
4 the senate;

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

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

9 (4) one member of the Kansas house of representatives appointed by  
10 the minority leader of the Kansas house of representatives;

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

13 (6) one **criminal** defense attorney or public defender appointed by the  
14 governor;

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

18 (8) one sheriff and one chief of police appointed by the attorney  
19 general;

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

23 (10) one drug and alcohol addiction treatment provider **who provides**  
24 **services pursuant to the certified drug abuse treatment program**  
25 ~~appointed by the governor behavioral health association of Kansas~~  
26 **{sentencing commission}**;

27 (11) one district judge appointed by the Kansas district judges  
28 association;

29 (12) one district magistrate judge appointed by the Kansas district  
30 magistrate judges association;

31 (13) one member representative of the faith-based community  
32 appointed by the governor;

33 (14) one member of a criminal justice reform advocacy organization  
34 appointed by the ~~governor~~ **legislative coordinating council**;

35 (15) one mental health professional appointed the by Kansas  
36 community mental health association;

37 (16) one member representative of community corrections appointed  
38 by the secretary of corrections; and

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

43 (d) **{Members of the commission shall be appointed before August**

1 **1, 2019. The appointing authorities shall provide notice of such**  
2 **appointments to the office of revisor of statutes and the legislative**  
3 **research department.}**

4 ~~{(e)}~~ **{(e)}** The members of the commission shall elect officers from among  
5 its members necessary to discharge its duties. The commission shall  
6 receive testimony from interested parties at public hearings to be  
7 conducted in the various geographic areas of the state.

8 ~~{(e)}~~~~{(f)}~~ **{(f)}** ~~Each member of the commission shall receive compensation,~~  
9 ~~subsistence allowances, mileage and other expenses as provided for in~~  
10 ~~K.S.A. 75-3223, and amendments thereto, except that the public members~~  
11 ~~shall receive compensation in the amount provided for legislators pursuant~~  
12 ~~to K.S.A. 75-3212, and amendments thereto, for each day or part thereof~~  
13 ~~actually spent on commission activities. No per diem compensation shall~~  
14 ~~be paid under this subsection to salaried state, county or city officers or~~  
15 ~~employees, except that the legislative members shall receive compensation~~  
16 ~~as provided in K.S.A. 75-3212, and amendments thereto~~ **If approved by**  
17 **the legislative coordinating council, legislative members of the**  
18 **commission attending meetings authorized by the commission shall be**  
19 **paid amounts for expenses, mileage and subsistence as provided in**  
20 **K.S.A. 75-3223(e), and amendments thereto.**

21 ~~{(f)}~~~~{(g)}~~ **{(g)}** The commission shall have the authority to organize and  
22 appoint such task forces or subcommittees as may be deemed necessary to  
23 discharge such commission's duties, including adding ex officio, nonvoting  
24 members to such task forces or subcommittees.

25 ~~{(g)}~~~~{(h)}~~ **{(h)}** The commission shall work with the Kansas judicial council,  
26 the department of corrections and the Kansas sentencing commission and  
27 review studies and findings of the Kansas sentencing commission  
28 concerning proportionality of sentencing.

29 ~~{(h)}~~~~{(i)}~~ **{(i)}** The commission shall prepare and submit its interim report to  
30 the legislature on or before December 1, 2019. A final report and  
31 recommendations shall be submitted to the legislature on or before  
32 December 1, 2020.

33 ~~{(i)}~~~~{(j)}~~ **{(j)}** The staff of the office of revisor of statutes and the legislative  
34 research department shall provide such assistance as may be requested by  
35 the commission as authorized by the legislative coordinating council.

36 ~~{(j)}~~~~{(k)}~~ **{(k)}** The governor shall appoint a facilitator to assist the  
37 commission in developing a project plan and who shall assist the  
38 commission in carrying out the duties of the commission in an orderly  
39 manner. The facilitator shall work in collaboration with the commission  
40 chairperson and staff of the office of revisor of statutes and the legislative  
41 research department. **{The facilitator, in coordination with the office of revisor**  
42 **of statutes and the legislative research department, shall call the first**  
43

1 **meeting of the commission, which shall take place during August**  
2 **2019.}**

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