

SENATE BILL No. 119

By Senator Haley

2-6

1 AN ACT concerning courts; relating to specialty courts; supreme court
2 rules; ex parte communications.

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

5 Section 1. (a) As used in this section, "specialty court" means a court
6 program that uses therapeutic or problem-solving procedures to address
7 underlying factors that may be contributing to a person's involvement in
8 the criminal justice system, including, but not limited to, mental illness or
9 drug, alcohol or other addiction. Procedures may include treatment,
10 mandatory periodic testing for a prohibited drug or other substance,
11 community supervision and any other appropriate sanctions and
12 incentives.

13 (b) Each judicial district is encouraged to establish one or more
14 specialty courts.

15 (c) A specialty court shall meet the following general standards:

16 (1) The court shall have measurable goals and objectives.

17 (2) The court shall have a policy and procedure manual covering
18 general administration, organization, personnel and budget matters.

19 (3) The court shall establish and adhere to practices that are
20 evidence - based and outcome - driven and shall be able to articulate the
21 research basis for the practices it uses.

22 (4) The court shall have written eligibility criteria and, to the extent
23 possible, the court should use evidence - based screening tools as part of
24 the eligibility criteria.

25 (5) All treatment providers used by the specialty court shall be
26 appropriately licensed by the applicable state regulatory authority and
27 trained to deliver necessary services according to the standards of their
28 profession. The court shall have a monitoring or quality - assurance
29 process to ensure that treatment providers are incorporating training and
30 services consistent with evidence - based best practices.

31 (6) The court shall have written procedures for incentives, rewards,
32 sanctions and therapeutic responses to participant behavior while under
33 court supervision. Court responses should be evidence - based when
34 possible. Participant progress shall be measured on a regular basis.

35 (7) A judge handling a specialty court docket shall be knowledgeable
36 about underlying medical or social - science research relevant to that

1 docket. When feasible, the court should have at least one back - up judge
2 who is familiar with the court's policies and practices so that the court's
3 operation remains consistent even when the assigned judge is unavailable.

4 (d) The supreme court shall adopt rules establishing additional best
5 practice standards for specialty courts, consistent with the general
6 standards established by this section.

7 (e) (1) A judge presiding over a specialty court docket may initiate,
8 permit and consider an ex parte communication with a probation officer,
9 case manager, treatment provider or other member of a specialty court
10 team, either at a team meeting or in a document provided to all members
11 of the team.

12 (2) A judge who receives an ex parte communication under this
13 subsection may preside over any subsequent proceeding if the judge:

14 (A) Discloses to the parties the existence of the communication and,
15 if known, the nature of the communication; and

16 (B) obtains the parties' consent to the judge's participation in the
17 proceeding.

18 (f) This section shall apply to a specialty court established prior to, or
19 on or after July 1, 2019.

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