

SESSION OF 2019

SUPPLEMENTAL NOTE ON SENATE BILL NO. 18

As Recommended by Senate Committee on
Judiciary

Brief*

SB 18 would amend statutes relating to diversion in criminal cases to include the Attorney General within the definition of “district attorney,” thereby specifically allowing the Attorney General to enter into diversion agreements pursuant to these statutes; to add a provision specifying that any diversion costs or fees collected under a diversion agreement entered into by the Attorney General would be deposited in the Fraud and Abuse Criminal Prosecution Fund; and to add a provision allowing the Attorney General to enter into agreements with the appropriate county or district attorney, or other appropriate parties, regarding the supervision of conditions of the diversion agreement.

Background

The bill was introduced by the Senate Judiciary Committee at the request of the Office of the Attorney General. In the Senate Committee hearing, the Attorney General testified in support of the bill, stating the bill would allow the Attorney General to consider and grant diversions in warranted circumstances in topic areas that have been added to the Attorney General’s scope in recent years.

A representative of American Family Action of Kansas and Missouri testified as a neutral conferee, requesting an amendment prohibiting diversion agreements where there is a true bill of indictment by a citizen-initiated grand jury and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

requiring referral of an indictment by such grand jury to the Attorney General if the local prosecutor does not proceed with prosecution. No opponent testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

According to the fiscal note prepared by the Division of the Budget on the bill, the Attorney General estimated there could be additional negligible revenue to the Fraud and Abuse Criminal Prosecution Fund. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2020 Governor's Budget Report*.