

HOUSE BILL No. 2031

By Representatives Smith, Bruchman, Burgess, Grosserode, Hildabrand, Kinzer,
Mast, Meigs, Pauls, Rubin and Vickrey

1-19

1 AN ACT concerning criminal procedure; relating to grand juries;
2 amending K.S.A. 22-3001 and repealing the existing section.

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

5 Section 1. K.S.A. 22-3001 is hereby amended to read as follows: 22-
6 3001. ~~(1)~~(a) A majority of the district judges in any judicial district may
7 order a grand jury to be summoned in any county in the district when it is
8 determined to be in the public interest.

9 *(b) The attorney general in any judicial district or the district or*
10 *county attorney in such attorney's judicial district may petition the chief*
11 *judge or the chief judge's designee in such district court to order a grand*
12 *jury to be summoned in the designated county in the district to investigate*
13 *alleged violations of an off-grid felony, a severity level 1, 2, 3, 4 or 5*
14 *felony or a drug severity level 1 or 2 felony. The chief judge or the chief*
15 *judge's designee in the district court of the county shall then consider the*
16 *petition and, if it is found that the petition is in proper form, as set forth*
17 *in this subsection, shall order a grand jury to be summoned.*

18 ~~(2)~~(c) A grand jury shall be summoned in any county within 60 days
19 after a petition praying therefor is presented to the district court, bearing
20 the signatures of a number of electors equal to 100 plus 2% of the total
21 number of votes cast for governor in the county in the last preceding
22 election. The petition shall be in substantially the following form:

23 The undersigned qualified electors of the county of _____
24 and state of Kansas hereby request that the district court of
25 _____ county, Kansas, within 60 days after the filing of this
26 petition, cause a grand jury to be summoned in the county to investigate
27 alleged violations of law and to perform such other duties as may be
28 authorized by law.

29 The signatures to the petition need not all be affixed to one paper, but
30 each paper to which signatures are affixed shall have substantially the
31 foregoing form written or printed at the top thereof. Each signer shall add
32 to such signer's signature such signer's place of residence, giving the
33 street and number or rural route number, if any. One of the signers of
34 each paper shall verify upon oath that each signature appearing on the
35 paper is the genuine signature of the person whose name it purports to be

1 and that such signer believes that the statements in the petition are true.
2 The petition shall be filed in the office of the clerk of the district court
3 who shall forthwith transmit it to the county election officer, who shall
4 determine whether the persons whose signatures are affixed to the
5 petition are qualified electors of the county. Thereupon, the county
6 election officer shall return the petition to the clerk of the district court,
7 together with such election officer's certificate stating the number of
8 qualified electors of the county whose signatures appear on the petition
9 and the aggregate number of votes cast for all candidates for governor in
10 the county in the last preceding election. The judge or judges of the
11 district court of the county shall then consider the petition and, if it is
12 found that the petition is in proper form and bears the signatures of the
13 required number of electors, a grand jury shall be ordered to be
14 summoned.

15 ~~(3)~~(d) The grand jury shall consist of 15 members and shall be
16 drawn and summoned in the same manner as petit jurors for the district
17 court. Twelve members thereof shall constitute a quorum. The judge or
18 judges ordering the grand jury shall direct that a sufficient number of
19 legally qualified persons be summoned for service as grand jurors.

20 Sec. 2. K.S.A. 22-3001 is hereby repealed.

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