

## **Community Parenting Release; Eyewitness Identification Policies and Procedures; Grand Jury Instructions; Sub. for HB 2151**

**Sub. for HB 2151** creates law relating to community parenting release and eyewitness identification and amends law relating to grand juries.

### ***Community Parenting Release***

The bill creates law authorizing the Secretary of Corrections (Secretary) to transfer certain offenders to house arrest pursuant to a community parenting release if the following conditions are met:

- The offender is serving a current sentence for a nondrug severity level 4 through 10 felony or a drug severity level 3 through 5 felony and is determined to be low, low-moderate, or moderate risk on a standardized risk assessment;
- The offender has no prior or current conviction for a sex offense or inherently dangerous felony (not to include a drug severity level 3 through 5 felony);
- The offender has not been found by the U.S. Attorney General to be subject to a deportation detainer or order;
- The offender signs any release of information waivers relating to any current or prior child in need of care (CINC) cases involving the offender;
- The offender had physical custody of such offender's minor child or was a legal guardian or custodian with physical custody of a minor child at the time the offense for which the offender is serving a sentence was committed;
- The offender has 12 months or less remaining of the offender's sentence; and
- The Secretary determines that such placement is in the best interests of the child.

The duties of the Secretary under the community parenting release include:

- Obtaining and reviewing any CINC records involving the offender to determine the best interests of the child prior to making a transfer;
- Approving the offender's residence and living arrangement prior to making a transfer;
- Requiring the offender to comply with all provisions of house arrest;

- Requiring the offender to participate in programming and treatment as needed; and
- Assigning a parole officer to monitor the offender's compliance with the conditions of the release.

The Secretary has authority to return any offender to a correctional facility to serve the remainder of the offender's sentence if the offender fails to comply with the requirements of the release.

### ***Eyewitness Identification***

The bill requires all law enforcement agencies in Kansas to adopt a detailed, written policy regarding citizen identification of persons during a criminal investigation. The agencies must collaborate with the county or district attorney to adopt written policies regarding eyewitness procedures and make such policies available to all agency officers. The policies must include identification of the procedures the agency should employ when asking a citizen to identify a person during a criminal investigation. The bill directs these procedures should include use of blind and blinded procedures, instructions to the witness regarding the perpetrator's presence, use of non-suspect fillers who do not make the suspect stand out, and eliciting a confidence statement regarding the level of certainty in the selection.

The bill requires the policies to be implemented by agencies within two years of the effective date of the act and requires the agencies make the policies available for public inspection during normal business hours.

### ***Grand Juries***

The bill amends the law concerning grand juries summoned by petition, commonly referred to as citizens grand juries. The bill allows the person who filed the petition and that person's attorney to witness the instructions given to the grand jury, after it is summoned but prior to beginning deliberations, regarding its conduct and deliberations.