

HOUSE BILL No. 2018

By Representative Carmichael

1-10

Proposed Amendments to HB 2018 - Jennings
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
February 25, 2019

creating the Kansas criminal justice reform
commission; relating to duties and membership; report
to legislature

Strike all Section 1

Insert attachment

Renumber sections

1 AN ACT concerning elections; relating to election crimes; prosecution,
2 amending K.S.A. 2018 Supp. 25-2435 and repealing the existing
3 section.
4

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

6 Section 1. ~~K.S.A. 2018 Supp. 25-2435 is hereby amended to read as~~
7 ~~follows: 25-2435. (a) Independent authority to prosecute any person who~~
8 ~~has committed or attempted to commit any act that constitutes a Kansas~~
9 ~~elections crime defined in K.S.A. 25-1128, and amendments thereto, or~~
10 ~~article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments~~
11 ~~thereto, shall be vested in:~~

12 ~~(1) The district attorney or county attorney of the county where such~~
13 ~~act occurred; or~~

14 ~~(2) the Kansas attorney general; or~~

15 ~~(3) the Kansas secretary of state.~~

16 ~~(b) If one of the officers listed in subsection (a) has commenced the~~
17 ~~prosecution of a person who has committed or attempted to commit any~~
18 ~~act that constitutes a Kansas election crime, the other officers listed in~~
19 ~~subsection (a) may provide assistance to the prosecuting officer but shall~~
20 ~~not commence a separate prosecution.~~

21 ~~Sec. 2. K.S.A. 2018 Supp. 25-2435 is hereby repealed.~~

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

- (a) There is hereby created the Kansas criminal justice reform commission.
- (b) The commission shall:
- (1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;
 - (2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;
 - (3) analyze diversion programs utilized throughout the state and make recommendations with respect to expanding diversion options and implementation of a state-wide diversion standards;
 - (4) review the supervision levels and programming available for offenders who serve sentences for felony offenses on community supervision;
 - (5) study specialty courts and make recommendations for the use of specialty courts throughout the state;
 - (6) survey the availability of evidence-based programming for offenders provided both in correctional facilities and in the community, and make recommendations for changes in available programming;
 - (7) study the policies of the department of corrections for placement of offenders within the correctional facility system and make recommendations with respect to specialty facilities, including, but not limited to, geriatric, healthcare and substance abuse facilities;
 - (8) evaluate existing information management data systems and make recommendations for improvements to data systems that will enhance the ability of criminal justice agencies to evaluate and monitor the efficacy of the criminal justice system at all points in the criminal justice process; and
 - (9) study other matters as the commission determines are appropriate and necessary to complete a thorough review of the criminal justice system.
- (c) The commission shall be made of the following members:
- (1) One member of the Kansas senate appointed by the president of the senate;
 - (2) one member of the Kansas senate appointed by the minority leader of the senate;
 - (3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;
 - (4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;
 - (5) one member of the judicial branch court services appointed by the chief justice of the supreme court;
 - (6) one defense attorney or public defender appointed by the governor;
 - (7) one county or district attorney from an urban area and one county attorney from a rural area appointed by the Kansas county and district attorneys association;
 - (8) one sheriff and one chief of police appointed by the attorney general;
 - (9) one professor of law from the university of Kansas school of law and one professor of law from Washburn university school of law appointed by the deans of such schools;
 - (10) one drug and alcohol addiction treatment provider appointed by the governor;
 - (11) one district judge appointed by the Kansas district judges association;
 - (12) one district magistrate judge appointed by the Kansas district magistrate judges association;
 - (13) one member representative of the faith-based community appointed by the governor;
 - (14) one member of a criminal justice reform advocacy organization appointed by the governor;
 - (15) one mental health professional appointed by the Kansas community mental health association;
 - (16) one member representative of community corrections appointed by the secretary of corrections; and
 - (17) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.
- (d) The members of the commission shall elect officers from among its members necessary to discharge its duties. The commission shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.
- (e) Each member of the commission shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on commission activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.
- (f) The commission shall have the authority to organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties, including adding ex officio, nonvoting members to such task forces or subcommittees.
- (g) The commission shall work with the Kansas judicial council, the department of corrections and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.
- (h) The commission shall prepare and submit its interim report to the legislature on or before December 1, 2019. A final report and recommendations shall be submitted to the legislature on or before December 1, 2020.
- (i) The staff of the office of revisor of statutes and the legislative research department shall provide such assistance as may be requested by the commission as authorized by the legislative coordinating council.
- (j) The governor shall appoint a facilitator to assist the commission in developing a project plan and shall assist the commission in carrying out the duties of the commission in an orderly manner. The facilitator shall work in collaboration with the commission chairperson and staff of the office of revisor of statutes and the legislative research department. The facilitator shall not be a member of the commission.