

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **HB 2077**, as amended by House Committee of the Whole, on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2020 Supp. 21-6901 is hereby amended to read as follows: 21-6901.

(a) There is hereby established the ~~Kansas closed case~~ Alvin Sykes cold case DNA task force.

The task force shall be composed of 15 voting members, as follows:

- (1) The chairperson of the standing senate committee on judiciary;
- (2) the ranking minority member of the standing senate committee on judiciary;
- (3) the chairperson of the standing house committee on judiciary;
- (4) the ranking minority member of the standing house committee on judiciary;
- (5) the governor or the governor's designee;
- (6) the attorney general or the attorney general's designee;
- (7) the director of the Kansas bureau of investigation or the director's designee;
- (8) the state combined DNA index system (CODIS) administrator ~~as designated by or~~ other designee of the director of the Kansas bureau of investigation forensic science laboratory;
- (9) a sheriff as designated by the Kansas sheriff's association;
- (10) a chief of police as designated by the Kansas association of chiefs of police;
- (11) a prosecutor as designated by the Kansas county and district attorneys association;
- (12) the executive director of the state board of indigents' defense services or the executive director's designee;
- (13) the president of the Kansas bar association or the president's designee;

(14) the director of victim services of the department of corrections or the director's designee; and

(15) one member designated by the governor who represents an organization that litigates claims of innocence.

~~(b) (1) Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 1, 2019.~~

~~(2)~~—The chairperson of the standing senate committee on judiciary and the chairperson of the standing house committee on judiciary shall serve as ~~co-chairs~~ co-chairpersons of the task force.

~~(3)~~(2) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force. A majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

(1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;

(2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;

(3) proper policies and procedures to ensure all hits are accounted for and followed up;

(4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and

(5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known

attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

(d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, ~~2020~~ 2021. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.

(e) On or before December 1, ~~2020~~ 2021, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.

(f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.

(g) Staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance to the task force as may be requested by the co-chairpersons of the task force.

(h) The Alvin Sykes cold case DNA task force shall be a continuation of the Kansas closed case task force as it existed on December 29, 2020, and, except as provided in subsection (a)(8), members appointed prior to such date shall continue as members of the task force.

(i) The provisions of this section shall expire on December 30, ~~2020~~ 2021.";

On page 4, in line 16, after "Supp." by inserting "21-6901 and"; also in line 16, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "crime-related task forces

and commissions; relating to the Kansas closed case task force; extending the task force and providing for staff assistance; renaming the task force the Alvin Sykes cold case DNA task force; relating to"; in line 2, by striking all before "extending"; in line 3, after "Supp." by inserting "21-6901 and"; in line 4, by striking "section" and inserting "sections"

Senator _____