

## **Criminal Justice Commissions, Task Forces, and Boards; HB 2077**

**HB 2077** amends law related to the Kansas Criminal Justice Reform Commission, Kansas Closed Case Task Force, and the Kansas Crime Victims Compensation Board.

### ***Kansas Criminal Justice Reform Commission***

#### *Study Topics*

The bill amends some statutorily required study topics of the Kansas Criminal Justice Reform Commission (Commission) and creates new topics.

**Diversion programs.** The bill amends the requirement related to analysis of diversion programs to require the Commission to analyze diversion programs utilized throughout the state and make recommendations for legislation that:

- Requires pre-filing and post-filing diversion to be an option in all counties;
- Establishes minimum statewide standards for diversion; and
- Provides a method for sealing or otherwise removing diversion records from criminal records.

**Supervision.** The bill amends the requirement related to review of supervision levels and programming for offenders on community supervision for felony offenses by requiring the Commission to:

- Review the supervision practices for offenders who serve sentences for felony offenses on supervision, to include:
  - Supervision by court services;
  - Community corrections; and
  - Parole; and
- Discuss and develop detailed recommendations for legislation that establishes research-based standards and practices for all community supervision programs that:
  - Provide for incentives for compliant offenders to earn early discharge from supervision;
  - Create standardized terms and conditions for community supervision and provide for a method that courts may utilize to use special terms as indicated through the introduction of compelling evidence;

- Create standardized effective responses to behavior through a system of incentives and graduated sanctions; and
- Provide for a means to consolidate concurrent supervision into one supervision agency.

**Monitor implementation of recommendations.** The bill requires the Commission to monitor the implementation of previously endorsed Commission recommendations, including those developed through justice reinvestment, and receive updates, review data, and identify opportunities for coordination, collaboration, or legislation as needed.

**Removed study topics.** The bill removes statutory study requirements relating to specialty courts, evidence-based programming, specialty correctional facilities, and information management data systems. The bill also removes the requirement that the Commission study other matters it determines to be necessary.

#### *Commission Membership*

The bill adds a public defender member to the Commission, to be appointed by the State Director of the Board of Indigents' Defense Services.

#### *Final Report*

The bill extends the final report and recommendation submission deadline from December 1, 2020, to December 1, 2021.

#### ***Kansas Closed Case Task Force***

The bill modifies law concerning the Kansas Closed Case Task Force (Task Force) by renaming it the Alvin Sykes Cold Case DNA Task Force. The bill extends the deadline, from October 1, 2020, to October 1, 2021, for completion of the protocol implementation plan relating to closed cases. Similarly, the bill extends the deadline, from December 1, 2020, to December 1, 2021, for the Task Force's report containing a plan for uniform implementation of the protocol. The bill extends the sunset date for the Task Force from December 30, 2020, to December 30, 2021. The bill also requires the Office of Revisor of Statutes, the Kansas Legislative Research Department, and the Division of Legislative Administrative Services to aid the Task Force as requested by the co-chairpersons.

The bill amends the membership of the Task Force to allow a designee to serve in place of the state combined DNA index system (CODIS) administrator, but otherwise continues the Task Force as it existed on December 29, 2020, with all other members appointed prior to that date continuing as members of the Task Force.

## ***Kansas Crime Victims Compensation Board***

The bill amends the definition of “victim” for purposes of the Kansas Crime Victims Compensation Board (Board) compensation award process to include a person who suffers personal injury or death as a result of witnessing a violent crime when the person was 16 years of age or younger at the time the crime was committed.

Under continuing law, the general rule is a claim for compensation must be filed within two years after the injury or death upon which the claim is based.

Continuing law provides an extended deadline for filing an application for compensation by persons under the age of 16 who are victims of certain crimes. The bill expands the listing of these crimes by adding a reference to a separate listing of “sexually violent crimes” in continuing law. The bill accordingly removes references to specific crimes already incorporated in the listing of sexually violent crimes.

The bill also provides an extended deadline for compensation for mental health counseling to be awarded under certain circumstances.

Prior law allowed mental health counseling compensation to be awarded if a claim is filed within two years of:

- Testimony, to a claimant who is or will be required to testify in a sexually violent predator commitment of an offender who victimized the claimant or the victim on whose behalf the claim is made; or
- Notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later.

The bill replaces these specific exceptions with a provision allowing the Board to award compensation for mental health counseling to:

- A victim, under the bill’s amended definition pertaining to witnesses of violent crimes, if the Board finds there was good cause for the failure to file within the required time periods and the claim is filed before the victim turns 19 years of age; or
- A victim of a sexually violent crime, if the Board finds there was good cause for the failure to file within the required time periods and the claim is filed within 10 years of the date such crime was committed, or, if the victim was less than 18 years of age at the time such crime was committed, the claim is filed within 10 years of the date the victim turns 18 years of age.