

Specialty Court Programs; Douglas County Law Library Board of Trustees; Senate Sub. for HB 2361

Senate Sub. for HB 2361 creates law requiring the Kansas Supreme Court (Court) to adopt rules for establishment and operation of specialty court programs within the state. The bill allows the chief judge of a judicial district to establish a specialty court program in accordance with the rules adopted by the Court. The bill also amends law governing the composition of the Board of Trustees of the Douglas County Law Library.

Specialty Court Programs

Definition

The bill defines “specialty court” to mean a district court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a person’s involvement in the judicial system, including, but not limited to, mental illness or drug, alcohol, or other addictions. Procedures may include treatment, mandatory periodic testing for prohibited drugs or other substances, community supervision, and appropriate sanctions and incentives.

Specialty Court Funding Advisory Committee

The bill establishes the Specialty Court Funding Advisory Committee (Committee) within the Judicial Branch.

The bill requires the Committee to:

- Evaluate resources available for assessment and treatment of people assigned to specialty courts or for the operation of specialty courts;
- Secure grants, funds, and other property and services necessary or advantageous to facilitate the operation of specialty courts;
- Recommend to the Judicial Administrator the allocation of resources among the various specialty courts operating within the state; and
- Recommend legislation and rules to aid in development of specialty courts.

Advisory Committee membership. The bill provides that the Committee will consist of the following members:

- The Chairperson of the House Committee on Judiciary or designee;
- The Chairperson of the Senate Committee on Judiciary or designee;

- The Chairperson of the Legislative Budget Committee or designee;
- One member of the Legislature from the minority party appointed jointly by the Minority Leader of the House of Representatives and the Minority Leader of the Senate;
- Five members appointed by the Chief Justice of the Court (Chief Justice), including one prosecutor and one criminal defense attorney; and
- The following ex officio, nonvoting members:
 - One member appointed by the Secretary of Corrections;
 - One member appointed by the Secretary for Aging and Disability Services; and
 - One drug and alcohol addiction treatment provider appointed by the Kansas Sentencing Commission.

Membership terms. The bill specifies the following membership terms:

- Three members appointed by the Chief Justice would be appointed for a term of three years;
- Two members appointed by the Chief Justice would be appointed for a term of two years; and
- The ex officio, nonvoting members would be appointed for a term of two years.

Vacancies and appointment date. The bill further specifies that members will serve until a qualified successor is appointed and vacancies will be filled in the same manner as provided by the bill. The bill requires members to be appointed prior to August 1, 2022.

Committee chairperson, technical assistance. The bill requires the Chief Justice to designate the chairperson of the Committee and specifies that the Office of Judicial Administration (OJA) may provide technical assistance to the Committee.

Committee member compensation. The bill specifies that all members of the Committee who are not judicial members shall receive compensation, travel expenses, and subsistence expenses or allowances as provided in continuing law. Judicial members will receive reimbursement for travel expenses and subsistence expenses or allowances as provided in continuing law.

Specialty Court Funding

The bill provides that any judicial district, local government, or the Judicial Branch is not prohibited from directly applying for, receiving, and retaining funding to facilitate the operation of

specialty courts. The bill does not require funds received by a judicial district or local government to be remitted to the State Treasurer.

Specialty Court Resources Fund. The bill creates the Specialty Court Resources Fund (Fund) in the State Treasury, to be administered by the Judicial Administrator. The bill directs all expenditures from the Fund to be for the purpose of operating specialty court programs established pursuant to the bill, including administrative costs related to such programs. The bill specifies that all expenditures from the Fund will be made in accordance with appropriation acts upon warrants of the Director of Accounts and Reports issued pursuant to vouchers approved by the Judicial Administrator or designee.

The bill further specifies the funds acquired through appropriations, grants, gifts, contributions, and other public or private sources that are designated for specialty court operations will be remitted to the State Treasurer in accordance with continuing law, and upon receipt of each remittance, the State Treasurer will deposit the entire amount into the State Treasury to the credit of the Fund.

Completion of a Specialty Courts Program

The bill provides that a sentence may be reduced or modified for a person sentenced to participate in a specialty courts program who successfully completes the program. The bill further clarifies that the bill shall not be construed to authorize a judge to impose, modify, or reduce a sentence below the minimum sentence required by law.

The bill makes a corresponding change to a sentencing statute to allow a judge to order a person who has been found guilty of a crime to participate in the specialty court program, as provided for in the bill.

Expungement

The bill provides that, subject to certain exceptions in continuing law, any person who has completed the requirements of a specialty court program established pursuant to the bill may petition the district court for expungement of the conviction and related arrest records. The bill allows the court to waive all or part of the docket fee imposed for filing such a petition.

The bill amends law that directs a court to order a petitioner's arrest record, conviction, or diversion expunged and to expunge such records if no felony proceeding is presently pending or being instituted against the petitioner. Continuing law also requires that the circumstances and behavior of the petitioner warrant expungement and the expungement is consistent with the public welfare.

Technical Amendment

The bill makes a technical amendment to specify certain restitution provisions of continuing law are procedural in nature and are to be applied retroactively.

Douglas County Law Library Board of Trustees

The bill amends law governing the composition of the Board of Trustees of the Douglas County Law Library (Board).

Under previous law, the Board was composed of all the district judges of the Douglas County District Court and at least two attorneys. The attorney members were elected for two-year terms by a majority of attorneys residing in Douglas County. [*Note:* These provisions applied to all counties except Johnson and Sedgwick counties.]

The bill instead applies to Douglas County the continuing law governing the composition of Johnson and Sedgwick counties' law libraries' boards of trustees. Under these provisions, the Board will include two judges of the district court, appointed by a consensus of all judges of the district court, and three members of the county's bar association, appointed pursuant to the bar association's bylaws for two-year terms.