

Substitute for HOUSE BILL No. 2018

By Committee on Corrections and Juvenile Justice

2-25

1 AN ACT creating the Kansas criminal justice reform commission; relating
2 to duties and membership; report to legislature.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) There is hereby created the Kansas criminal justice
6 reform commission.

7 (b) The commission shall:

8 (1) Analyze the sentencing guidelines grids for drug and nondrug
9 crimes and make recommendations for legislation that would ensure
10 sentences are appropriate;

11 (2) review the sentences imposed for criminal conduct to determine
12 whether the sentences are proportionate to other sentences imposed for
13 criminal offenses;

14 (3) analyze diversion programs utilized throughout the state and make
15 recommendations with respect to expanding diversion options and
16 implementation of a state-wide diversion standards;

17 (4) review the supervision levels and programming available for
18 offenders who serve sentences for felony offenses on community
19 supervision;

20 (5) study specialty courts and make recommendations for the use of
21 specialty courts throughout the state;

22 (6) survey the availability of evidence-based programming for
23 offenders provided both in correctional facilities and in the community,
24 and make recommendations for changes in available programming;

25 (7) study the policies of the department of corrections for placement
26 of offenders within the correctional facility system and make
27 recommendations with respect to specialty facilities, including, but not
28 limited to, geriatric, healthcare and substance abuse facilities;

29 (8) evaluate existing information management data systems and make
30 recommendations for improvements to data systems that will enhance the
31 ability of criminal justice agencies to evaluate and monitor the efficacy of
32 the criminal justice system at all points in the criminal justice process; and

33 (9) study other matters, that, as the commission determines, are
34 appropriate and necessary to complete a thorough review of the criminal
35 justice system.

36 (c) The commission shall be made of the following members:

- 1 (1) One member of the Kansas senate appointed by the president of
2 the senate;
- 3 (2) one member of the Kansas senate appointed by the minority
4 leader of the senate;
- 5 (3) one member of the Kansas house of representatives appointed by
6 the speaker of the Kansas house of representatives;
- 7 (4) one member of the Kansas house of representatives appointed by
8 the minority leader of the Kansas house of representatives;
- 9 (5) one member of the judicial branch court services appointed by the
10 chief justice of the supreme court;
- 11 (6) one **criminal** defense attorney or public defender appointed by the
12 governor;
- 13 (7) one county or district attorney from an urban area and one county
14 attorney from a rural area appointed by the Kansas county and district
15 attorneys association;
- 16 (8) one sheriff and one chief of police appointed by the attorney
17 general;
- 18 (9) one professor of law from the university of Kansas school of law
19 and one professor of law from Washburn university school of law,
20 appointed by the deans of such schools;
- 21 (10) one drug and alcohol addiction treatment provider **who provides**
22 **services under the certified drug abuse treatment program** appointed
23 by the ~~governor~~ **behavioral health association of Kansas**;
- 24 (11) one district judge appointed by the Kansas district judges
25 association;
- 26 (12) one district magistrate judge appointed by the Kansas district
27 magistrate judges association;
- 28 (13) one member representative of the faith-based community
29 appointed by the governor;
- 30 (14) one member of a criminal justice reform advocacy organization
31 appointed by the ~~governor~~ **legislative coordinating council**;
- 32 (15) one mental health professional appointed the by Kansas
33 community mental health association;
- 34 (16) one member representative of community corrections appointed
35 by the secretary of corrections; and
- 36 (17) the attorney general, the secretary of corrections and the
37 executive director of the Kansas sentencing commission, or such persons'
38 designees, shall serve as ex officio, nonvoting members of the
39 commission.
- 40 (d) The members of the commission shall elect officers from among
41 its members necessary to discharge its duties. The commission shall
42 receive testimony from interested parties at public hearings to be
43 conducted in the various geographic areas of the state.

1 (e) ~~Each member of the commission shall receive compensation,~~
2 ~~subsistence allowances, mileage and other expenses as provided for in~~
3 ~~K.S.A. 75-3223, and amendments thereto, except that the public members~~
4 ~~shall receive compensation in the amount provided for legislators pursuant~~
5 ~~to K.S.A. 75-3212, and amendments thereto, for each day or part thereof~~
6 ~~actually spent on commission activities. No per diem compensation shall~~
7 ~~be paid under this subsection to salaried state, county or city officers or~~
8 ~~employees, except that the legislative members shall receive compensation~~
9 ~~as provided in K.S.A. 75-3212, and amendments thereto~~ **If approved by**
10 **the legislative coordinating council, legislative members of the**
11 **commission attending meetings authorized by the commission shall be**
12 **paid amounts for expenses, mileage and subsistence as provided in**
13 **K.S.A. 75-3223(e), and amendments thereto.**

14 (f) The commission shall have the authority to organize and appoint
15 such task forces or subcommittees as may be deemed necessary to
16 discharge such commission's duties, including adding ex officio, nonvoting
17 members to such task forces or subcommittees.

18 (g) The commission shall work with the Kansas judicial council, the
19 department of corrections and the Kansas sentencing commission and
20 review studies and findings of the Kansas sentencing commission
21 concerning proportionality of sentencing.

22 (h) The commission shall prepare and submit its interim report to the
23 legislature on or before December 1, 2019. A final report and
24 recommendations shall be submitted to the legislature on or before
25 December 1, 2020.

26 (i) The staff of the office of revisor of statutes and the legislative
27 research department shall provide such assistance as may be requested by
28 the commission as authorized by the legislative coordinating council.

29 (j) The governor shall appoint a facilitator to assist the commission in
30 developing a project plan and who shall assist the commission in carrying
31 out the duties of the commission in an orderly manner. The facilitator shall
32 work in collaboration with the commission chairperson and staff of the
33 office of revisor of statutes and the legislative research department. The
34 facilitator shall not be a member of the commission.

35 Sec. 2. This act shall take effect and be in force from and after its
36 publication in the statute book.