

SESSION OF 2010

SUPPLEMENTAL NOTE ON SENATE BILL NO. 468

As Amended by Senate Committee on
Judiciary

Brief*

SB 468, as amended, would expand the statute providing for methods to summon a grand jury. The bill would authorize the Attorney General in any judicial district, or the district or county attorney in their judicial district to petition the chief judge or the chief judge's designee of such district court to order a grand jury to be summoned in the designated county in the district. These grand juries would be permitted to investigate alleged violations of an off-grid felony, a severity level 1, 2, 3, 4, or 5 felony, or a drug severity level 1 or 2 felony. The court would then consider the petition and, if it is in proper form, order a grand jury to be summoned.

Under current law, a grand jury is summoned within 60 days after a petition is presented to the district court with the signatures of 100 electors plus 2.0 percent of the total number of votes cast for the Governor in that county. SB 468, as amended, would change that standard to be the signatures of 100 electors plus 5.0 percent of the active registered voters in the county. The bill details all the procedures that would have to be complied with to petition a grand jury in this manner. The grand jury summoned by petition would not remain in session more than ten days, unless the chief judge extends the session by written order filed with the clerk of the district court.

The bill would be in effect upon publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

2010 HB 2226 is similar to 2010 HB 468.

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were Senator John Vratil, and representatives of the Unified Government of Wyandotte County, the Kansas Association of Counties, the Wyandotte County District Attorney's Office, and the Kansas League of Municipalities.

There was no testimony in opposition to the bill in the Senate Committee hearing.

The Senate Committee amended the bill to:

- Clarify that the Attorney General or the district or county attorney may petition the Chief Judge or the Chief Judge's designee in the district court the grand jury is to be summoned;
- Add a level 5 felony to the list of alleged violations that a grand jury, summoned by the petition of the Attorney General or the district or county attorney to the Chief Judge or the Chief Judge's designee, may investigate; and
- Change the percentage of the active registered voters in the county needed to summon a grand jury from 10 to 5 percent.

According to the fiscal note on the bill, as introduced, the Office of Judicial Administration states that SB 468 narrows the parameters by which a grand jury may be summoned by petition, potentially generating savings to the district courts; however, a precise statement of the fiscal effect cannot be determined. Any fiscal effect associated with SB 468 is not reflected in *The FY 2011 Governor's Budget Report*.