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MEMORANDUM

To: House Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 2, 2020
Subject: Bill Brief on SB 58

Senate Bill 58 grants immunity from civil liability to the person who files a grand jury petition in a citizen-initiated grand jury proceeding.

Section 1 amends K.S.A. 22-3001, the statute governing how a grand jury is summoned in district court. Current law in K.S.A. 22-3001(c) provides that citizens may petition a district court to summon a grand jury, outlines the requirements for the petition, and outlines procedures the court must follow if a grand jury is properly summoned. The bill amends the law to refer to a grand jury summoned by petition as “citizen-initiated” throughout the statute. Further, the bill adds that the person who filed the citizen-initiated petition shall be immune from civil liability for any good faith conduct under the grand jury statutes.

Section 2 amends K.S.A. 22-3008, the statute governing witnesses in a grand jury proceeding. Current law provides that the person who filed the petition “shall be the first witness called by the grand jury for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.” The bill amends the law to clarify that this provision only applies to a citizen-initiated grand jury and that the person who filed the citizen-initiated petition shall be the first witness called by the citizen-initiated grand jury.

The Senate Committee on Judiciary amended the bill to make the technical changes necessary because this bill was introduced in 2019.