

SENATE BILL No. 62

By Committee on Judiciary

1-23

Proposed Amendments to SB 62
Senate Judiciary
February 6, 2017
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Office of Revisor of Statutes

1 AN ACT concerning grand juries; relating to sufficiency of petitions; right
2 to appeal; amending K.S.A. 2016 Supp. 22-3001 and 25-3601 and
3 repealing the existing sections.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 22-3001 is hereby amended to read as
7 follows: 22-3001. (a) A majority of the district judges in any judicial
8 district may order a grand jury to be summoned in any county in the
9 district when it is determined to be in the public interest.

10 (b) The district or county attorney in such attorney's county may
11 petition the chief judge or the chief judge's designee in such district court
12 to order a grand jury to be summoned in the designated county in the
13 district to consider any alleged felony law violation, including any alleged
14 misdemeanor law violation which arises as part of the same criminal
15 conduct or investigation. The attorney general in any judicial district may
16 petition the chief judge or the chief judge's designee in such judicial
17 district to order a grand jury to be summoned in the designated county in
18 the district to consider any alleged felony law violation, including any
19 alleged misdemeanor law violation which arises as part of the same
20 criminal conduct or investigation, if authorized by the district or county
21 attorney in such judicial district or if jurisdiction is otherwise authorized
22 by law. The chief judge or the chief judge's designee in the district court of
23 the county shall then consider the petition and, if it is found that the
24 petition is in proper form, as set forth in this subsection, shall order a
25 grand jury to be summoned within 15 days after receipt of such petition.

26 (c) (1) A grand jury shall be summoned in any county within 60 days
27 after a petition praying therefor is presented to the district court, bearing
28 the signatures of a number of electors equal to 100 plus 2% of the total
29 number of votes cast for governor in the county in the last preceding
30 election.

31 (2) The petition, upon its face, shall state the name, address and
32 phone number of the person filing the petition, the subject matter of the
33 prospective grand jury, a reasonably specific identification of areas to be
34 inquired into and sufficient general allegations to warrant a finding that
35 such inquiry may lead to information which, if true, would warrant a true
36 bill of indictment.

1 (3) (A) The petition shall be in substantially the following form:

2 The undersigned qualified electors of the county of _____
3 and state of Kansas hereby request that the district court of
4 _____ county, Kansas, within 60 days after the filing of this
5 petition, cause a grand jury to be summoned in the county to investigate
6 alleged violations of law and to perform such other duties as may be
7 authorized by law.

8 (B) (i) The signatures to the petition need not all be affixed to one
9 paper, but each paper to which signatures are affixed shall have
10 substantially the foregoing form written or printed at the top thereof. Each
11 signer shall add to such signer's signature such signer's place of residence,
12 giving the street and number or rural route number, if any. One of the
13 signers of each paper shall verify upon oath that each signature appearing
14 on the paper is the genuine signature of the person whose name it purports
15 to be and that such signer believes that the statements in the petition are
16 true.

17 (ii) The petition shall be filed in the office of the clerk of the district
18 court who shall forthwith transmit it to the county election officer, who
19 shall determine whether the persons whose signatures are affixed to the
20 petition are qualified electors of the county. Thereupon, the county election
21 officer shall return the petition to the clerk of the district court, together
22 with such election officer's certificate stating the number of qualified
23 electors of the county whose signatures appear on the petition and the
24 aggregate number of votes cast for all candidates for governor in the
25 county in the last preceding election.

26 (iii) The judge or judges of the district court of the county shall then
27 consider the petition and, if it is found that the petition is in proper form
28 and bears the signatures of the required number of electors, a grand jury
29 shall be ordered to be summoned. ~~If a grand jury is not summoned~~
30 ~~because of a finding related to the form of the petition or the required~~
31 ~~signatures, the person who filed the petition and whose name, address and~~
32 ~~phone number appear on the face of each petition shall have the right to~~
33 ~~appeal such decision as a final judgment pursuant to K.S.A. 22-3601, and~~
34 ~~amendments thereto.~~

that the petition, substantially in the form required by
this subsection on its face, is not in proper form

the decision to not summon a grand jury

35 (4) After a grand jury is summoned pursuant to this subsection, but
36 before it begins deliberations, the judge or judges of the district court of
37 the county in which the petition is presented shall provide instructions to
38 the grand jury regarding its conduct and deliberations, which instructions
39 shall include, but not be limited to, the following:

40 (A) You have been impaneled as a grand jury pursuant to a citizens'
41 petition filed in this court, signed by (insert number) qualified electors of
42 this county, stating (insert the subject matter described in the petition,
43 including a reasonably specific identification of the areas to be inquired