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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: February 20, 2019
Subject: Bill Brief for SB 119

Senate Bill 119 encourages judicial districts to establish and utilize specialty courts. Currently, Supreme Court Rule 109A allows a judicial district to establish a specialty court and Rule 109B sets general standards for a specialty court. The bill enacts similar provisions in statutory form.

Subsection (a) defines a specialty court as a court program that uses therapeutic or problem-solving procedures to address underlying factors that may be contributing to a party's involvement in the criminal justice system, including, but not limited to, mental illness or drug, alcohol or other addiction. Subsection (b) encourages each judicial district to establish one or more specialty courts.

Subsection (c) establishes seven general standards for specialty courts: (1) Measurable goals and objectives; (2) a policy and procedure manual; (3) practices that are evidence-based and outcome-driven; (4) written eligibility criteria and, to the extent possible, use of evidence-based screening tools as part of the eligibility criteria; (5) use of appropriately-licensed treatment providers who are trained to deliver necessary services according to the standards of their profession, and a monitoring or quality-assurance process to ensure that treatment providers are incorporating training and services consistent with evidence-based best practices; (6) written procedures for incentives, rewards, sanctions and therapeutic responses to participant behavior while under court supervision, which should be evidence-based when possible; and (7) a judge who is knowledgeable about underlying medical or social-science research relevant to that docket, and, when feasible, at least one back-up judge who is familiar with the court's policies and practices so that the court's operation remains consistent even when the assigned judge is unavailable.

Subsection (d) requires the supreme court to adopt rules establishing additional best practice standards for specialty courts, consistent with the general standards outlined in the bill. Subsection (e) addresses ex parte communications in relation to specialty court dockets. Finally, subsection (f) clarifies that the statute is applicable to all specialty courts, whether established already or in the future.