

KANSAS

STATISTICAL INFORMATION

Current Governor: Kathleen Sebelius
Term of Office: Jan. 2003 - Jan. 2007

Legislative Term: Jan. - May

Total Inmate Pop.

(As of 7/05/05): 9,018 **White: 64%*** **Black: 34%*** **Latino/a: 0%*** **Other: 3%***
*as of 6/30/04

Death Row Pop.

(As of 6/30/05): 7 **White: 5** **Black: 2** **Latino/a: 0** **Other: 0**

EXECUTIONS:

Since 1976: 0 **White: 0** **Black: 0** **Latino/a: 0** **Other: 0**
(As of 6/30/05)

Carried out in 2003: 0

Carried out in 2004: 0

Scheduled for 2005: 0
(As of 6/30/05)

INMATES REMOVED FROM DEATH ROW BETWEEN 1973 AND 2005
not include those executed by the state or those who died of natural causes):

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Total Number: 0

Sentence/Conviction overturned: 0

Sentence commuted: 0

Exonerations: 0

Other: 0

RELATED STATUTORY PROVISIONS:

Life without Parole: no

Prohibits the execution of juvenile offenders: yes

Prohibits the execution of mentally retarded offenders: yes

Prohibits the execution of mentally ill offenders: no

CURRENT STATUS OF THE MORATORIUM:

Moratorium: no

Study: no

HISTORY OF LEGISLATION ADDRESSING ABA ISSUES

Moratorium/Study:

Current: 2005: One bill withdrawn would abolish the death penalty in the State of Kansas and replace this with the sentence of life imprisonment without the possibility of parole for those crimes now defined as capital murder. The bill deletes references to the death penalty in ten statutes as part of this change. The bill is effective July 1, 2005. Defendants sentenced to death before the effective date of the bill would not be affected by this legislation (SB6).

Previous Years: 2004: One bill that failed in committee would have provided for a moratorium on the death penalty and the establishment of a death penalty study commission.(SB158). **2003 :**One bill introduced provided for a moratorium on executions for a period of two years; provides for the establishment of a death penalty study commission (SB158). **1999 :** The Senate introduced legislation that would have abolished the death penalty; **1998 :** One bill died that would have abolished the death penalty; **1997 :** One bill was stricken from the calendar that would have abolished the death penalty.

Capital Offenses and Procedures:

Current: None.

Previous Years: None.

Mitigating and Aggravating Circumstances:

Current: 2005: One bill withdrawn would clarify the Kansas death penalty dealing with aggravating and mitigating circumstances. The bill will clarify that if a jury finds that the aggravating circumstances and mitigating circumstances are equal, the defendant shall not be sentenced to death but rather to life without the possibility of parole (SB28).

Previous Years: None.

DNA Testing and Preservation of Material Evidence:

Current: None.

Previous Years: None.

Crime Labs and Medical Examiner Offices:

Current: None.

Previous Years:

Current: None.

Counsel Qualifications, Training, and Competency:

Previous Years: None

Counsel Compensation:

Current: None

Previous Years: 2004: One bill failed sine die would have provided that an attorney, other than a public defender or contract counsel, who performs services for an indigent person shall be compensated at the rate of \$80 per hour (HB2616).

Judges and Juries:

Current: None

Previous Years: None.

**Racial and Ethnic
Minorities:**

Current: None.

Previous Years: None .

Juvenile Offenders:

Current: None.

Previous Years: 2003: Relating to youthful offenders convicted of capital offenses to eliminate the death penalty and replace it with life without parole or life without parole for 25 years. (SB15, HB180)

**Mental Retardation,
Mental Disability and
Mental Competency:**

Current: 2005: One bill introduced would exclude individuals with mental retardation from the death penalty if the person were determined to be cognitively disabled at the time of the commission of a capital murder. The bill defines "cognitively disabled" as a disability characterized by significant limitations both in intellectual functioning and deficits in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. "Significant limitations" is defined as intellectual functioning that is two or more standard deviations below the norm. Changes provision language from "mentally retarded" to "cognitive disability" (SB32). Another bill introduced would exclude individuals with mental retardation from the death penalty if the person were determined to be mentally retarded at the time of the commission of a capital murder. The bill defines "mental retardation" as significantly sub-average intellectual functioning existing concurrently with deficits in adaptive behavior. "Significantly sub-average intellectual functioning" is defined as performance that is two or more deviator

test specified by the Security of Social and Rehabilitation Services (SB14).

Previous Years: 2004 : One bill that failed sine die would have amended the requirements for determining mental retardation for the purposes of excluding an individual from the death penalty (HB2349). Another bill that failed sine die would have excluded individuals with mental retardation from the imposition of the death penalty (HB2439). Another bill that failed sine die excluded an individual with a "cognitive disability" at the time of the commission of a capital murder from the imposition of the death penalty. Defined "cognitive disability" as a disability characterized by significant limitations both in intellectual functioning and deficits in adaptive behavior as expressed in conceptual, social and practical adaptive skills (SB355).2003: One bill that failed hanged the requirements for determining mental retardation for the purposes of applying the death penalty (HB2349).

Special Notes:

Current: 2005: One bill introduced, stated that if a defendant is charged with capital murder, the county or district attorney shall file written notice if such attorney intends, upon conviction of defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than five days after the time of arraignment. If such notice is not filed and served as required by this subsection, the county or district attorney may not request such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life imprisonment without the possibility of parole, and no sentence of death shall be imposed hereunder (HB2061).

Previous Years: 2004: Bill signed by governor that proscribes life without parole in cases where a death sentence is not imposed (SB422). Bill that failed sine die required electronic recordings of interrogation in capital offense investigations. Provided conditions and procedures for use of such recordings (SB734).

**STATE AND LOCAL GOVERNMENTS AND LEGAL ORGANIZATIONS THAT
HAVE PASSED MORATORIUM RESOLUTIONS**

none

****Last Updated on July 7, 2005**