

As Amended by Senate Committee

Session of 2006

SENATE BILL No. 381

By Committee on Judiciary

1-18

10 AN ACT concerning criminal proceedings before trial; relating to pleas;
11 amending K.S.A. 2005 Supp. 22-3210 and repealing the existing
12 section.

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

15 Section 1. K.S.A. 2005 Supp. 22-3210 is hereby amended to read as
16 follows: 22-3210. (a) Before or during trial, a plea of guilty or *nolo con-*
17 *tendere* may be accepted when:

18 (1) The defendant or counsel for the defendant enters such plea in
19 open court; ~~and~~

20 (2) in felony cases, the court has informed the defendant of the con-
21 sequences of the plea, including the specific sentencing guidelines level
22 of any crime committed on or after July 1, 1993, and of the maximum
23 penalty provided by law which may be imposed upon acceptance of such
24 plea; ~~and~~

25 (3) in felony cases, the court has addressed the defendant personally
26 and determined that the plea is made voluntarily with understanding of
27 the nature of the charge and the consequences of the plea; ~~and~~

28 (4) the court is satisfied that there is a factual basis for the plea; *and*

29 (5) *the court has informed the defendant that, if the defendant was*
30 *not born in the United States, a conviction or guilty plea may have im-*
31 *migration or naturalization consequences.*

32 (b) In felony cases the defendant must appear and plead personally
33 and a verbatim record of all proceedings at the plea and entry of judgment
34 thereon shall be made.

35 (c) In traffic infraction, cigarette or tobacco infraction and misde-
36 meanor cases the court may allow the defendant to appear and plead by
37 counsel. ***If the defendant was not born in the United States, the court***
38 ***must find, prior to the plea, that the defendant has been informed***
39 ***that a conviction or guilty plea may have immigration or natural-***
40 ***ization consequences.***

41 (d) A plea of guilty or *nolo contendere*, for good cause shown and
42 within the discretion of the court, may be withdrawn at any time before
43 sentence is adjudged. To correct manifest injustice the court after sen-

- 1 tence may set aside the judgment of conviction and permit the defendant
- 2 to withdraw the plea.
- 3 Sec. 2. K.S.A. 2005 Supp. 22-3210 is hereby repealed.
- 4 Sec. 3. This act shall take effect and be in force from and after its
- 5 publication in the Kansas register.