

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2312**

As Agreed to March 29, 2004

**Brief \***

HB 2312 modifies criminal procedure regarding the speedy trial (90 days from arraignment if held in jail; 180 days if on an appearance bond) requirement to provide the following:

1. A trial, properly scheduled within lawful time limits, that is delayed at the request of the defendant, must be rescheduled within 90 days of the original trial deadline.
2. After a trial date, properly scheduled within lawful time limits, if the defendant fails to appear at trial or a pretrial hearing and a bench warrant is ordered, the trial will be rescheduled within 90 days after the defendant has been surrendered. If the defendant was subject to the 180-day deadline and more than 90 days of the time limitation remain, then the original time limitation remains in effect.
3. Under current law, time limitations can be extended when a defendant is incompetent to stand trial. Under provisions of the bill, if a defendant is subsequently found to be competent, the trial will be rescheduled within 90 days of the finding.
4. When a proceeding to determine competency is pending and a determination of competency may not be completed within the necessary time limits and the defendant is subsequently found to be competent, trial will be scheduled within 90 days of such a finding.

The Senate Committee deleted the House Committee amendment which would have subtracted from the 90-day provisions dealing

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with a finding of competency to stand trial the number of days the defendant was held in jail prior to this finding.

### **Conference Committee Action**

The House concurred with the Senate amendments.

### **Background**

An Assistant Attorney General and an Assistant Wyandotte County District Attorney testified in support of the bill.

The fiscal note was not available when the bill passed out of committee.