



Municipal Court

City of Mission

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February 13, 2024

Senator Kellie Warren, Chair
Senate Judiciary Committee
Kansas Capital, Room 419-E
300 West 10th Street
Topeka, Kansas 66612

Re: SB448

Sen. Warren and Members of the Committee:

I write in my capacity as Municipal Judge for the City of Mission in support of Senate Bill 448, which you currently have before you for hearing. I am also a Director and President-Elect of the Kansas Municipal Judge's Association. Our Board of Directors supports passage of this bill, which would fill a void in the Kansas Code of Procedure for Municipal Courts (K.S.A. 12-4101, *et seq.*), by providing clear procedures for municipal courts to deal with defendants who may not be competent to stand trial.

As a serving Kansas Municipal Judge for more than 20 years and as a criminal defense attorney in Johnson County for over 36 years, I have seen firsthand the problems created by trying to determine competency for municipal court defendants suffering from mental illness or incapacity.

Kansas municipal courts adjudicate thousands of cases each year. Many of those persons charged with misdemeanor criminal offenses in our courts suffer from mental illness, sometimes of a severe nature. They are often either a danger to themselves or to others, particularly when their conditions go untreated.

U.S. Supreme Court precedent requires courts to follow procedures adequate to protect a defendant's right not to be tried or convicted while incompetent to stand trial. Whereas the code of criminal procedure applicable to district courts (K.S.A. 22-2101, *et seq.*) provides district courts with a process to determine a defendant's competency to stand trial and authorizes hospital treatment to attempt to restore them to competency (K.S.A. 22-3302; 22-3303), there is no complimentary provision in the code of procedure for municipal courts. Moreover, municipal courts lack the resources available to district courts to provide pretrial monitoring and post-adjudication services required to manage and treat these defendants.

Also, because of the limited misdemeanor jurisdiction of municipal courts, delays in identifying and dealing with incapacity can result in incarcerated defendants maxing out on the potential sentence in their case before a capacity determination can be made, thereby terminating the prosecution. Without a process in place for district court involvement, an incompetent mentally

Sen. Kellie Warren
February 13, 2024
Page Two

ill defendant, potentially dangerous, can go untreated and not prosecuted, with resultingly high rates of recidivism when released.

This bill would provide municipal courts with a process to make determinations of incompetency, at city expense, using providers authorized by the district court, and to provide incompetent defendants with the opportunity for treatment as provided in K.S.A. 22-3303 through the district court.

Mentally ill defendants make up a small percentage of most municipal court's caseloads. However, the processing of their cases typically consumes a disproportionately high portion of the court's time and resources, and in many cases, without realizing a beneficial outcome due to the lack of required resources.

This bill would provide municipal courts with tools needed to process these cases more effectively, consistent with the intended purposes of the code of procedure for municipal courts "to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable, expense and delay" in processing municipal court cases (K.S.A. 12-4103).

I hope that this information is of assistance to you in considering this piece of legislation.

Thank you very much for your consideration and attention to this matter.

Very truly yours,

/s/ Keith E. Drill
Keith E. Drill, Municipal Judge

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