

SESSION OF 2011

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 176**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 176 would amend KSA 2010 Supp. 22-2802 by adding the following factor to the required considerations by a magistrate at a first appearance in determining the conditions of release of a criminal defendant: “whether the defendant is lawfully present in the United States.”

**Background**

KSA 2010 Supp. 22-2802 governs the determination of an appearance bond and other conditions of release for a person charged with a crime.

Senator Jeff King requested the Senate Judiciary Committee introduce SB 176.

In the Senate Judiciary Committee, Senator King testified in support of SB 176, explaining that some magistrates are not sure whether they can consider the proposed factor under current law. The Kansas Professional Bail Bonds Association provided written testimony supporting the bill. No opponents provided testimony. The Committee made no changes to the bill and recommended it be passed.

The fiscal note on the bill states the bill would have no fiscal effect.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>