

HOUSE BILL No. 2169

By Committee on Corrections and Juvenile Justice

1-30

1 AN ACT concerning criminal procedure; relating to final disposition of
2 pending charge proceedings; amending K.S.A. 22-4301, 22-4303 and
3 22-4304 and repealing the existing sections.

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

6 Section 1. K.S.A. 22-4301 is hereby amended to read as follows: 22-
7 4301. (a) Any person who is imprisoned in a penal or correctional
8 institution of this state may request final disposition of any untried
9 indictment, information, *motion to revoke probation* or complaint pending
10 against ~~him~~ *such person* in this state. The request shall be in writing
11 addressed to the court in which the indictment, information, *motion to*
12 *revoke probation* or complaint is pending and to the county attorney
13 charged with the duty of prosecuting it, and shall set forth the place of
14 imprisonment.

15 (b) The warden, superintendent or other official having custody of
16 prisoners shall promptly inform each prisoner in writing of the source and
17 nature of any untried indictment, information, *motion to revoke probation*
18 or complaint against ~~him~~ *such prisoner* of which the warden,
19 superintendent or other official has knowledge or notice, and of ~~his~~ *such*
20 *prisoner's* right to make a request for final disposition thereof.

21 (c) Failure of the warden, superintendent or other official to inform a
22 prisoner, as required by this section, within one ~~(1)~~ year after a detainer
23 has been filed at the institution shall entitle ~~him~~ *such prisoner* to a final
24 dismissal of the indictment, information, *motion to revoke probation* or
25 complaint with prejudice.

26 Sec. 2. K.S.A. 22-4303 is hereby amended to read as follows: 22-
27 4303. Within ~~one hundred eighty~~ (180) days after the receipt of the request
28 and certificate by the court and county attorney or within such additional
29 time as the court for good cause shown in open court may grant, the
30 prisoner or ~~his~~ *such prisoner's* counsel being present, the indictment,
31 information or complaint shall be brought to trial *or the motion to revoke*
32 *probation shall be brought for a hearing*; but the parties may stipulate for
33 a continuance or a continuance may be granted on notice to the attorney of
34 record and opportunity for ~~him~~ *such prisoner* to be heard. If, after such a
35 request, the indictment, information or complaint is not brought to trial
36 within that period, *or the motion to revoke probation is not brought for a*

1 *hearing within that period*, no court of this state shall any longer have
2 jurisdiction thereof, nor shall the untried indictment, information, *motion*
3 *to revoke probation* or complaint be of any further force or effect, and the
4 court shall dismiss it with prejudice.

5 Sec. 3. K.S.A. 22-4304 is hereby amended to read as follows: 22-
6 4304. Escape from custody of any prisoner subsequent to ~~his~~ *such*
7 *prisoner's* execution of a request for final disposition of an untried
8 indictment, information, *motion to revoke probation* or complaint voids ~~the~~
9 *such* request.

10 Sec. 4. K.S.A. 22-4301, 22-4303 and 22-4304 are hereby repealed.

11 Sec. 5. This act shall take effect and be in force from and after its
12 publication in the statute book.