

HOUSE BILL No. 2169

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

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

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

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

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

Sec. 2. K.S.A. 22-4303 is hereby amended to read as follows: 22-4303. Within ~~one hundred eighty (180)~~ days after the receipt of the request and certificate by the court and county attorney or within such additional time as the court for good cause shown in open court may grant, the prisoner or ~~his~~ *such prisoner's* counsel being present, the indictment, information or complaint shall be brought to trial *or the motion to revoke probation shall be brought for a hearing*; but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for ~~him~~ *such prisoner* to be heard. If, after such a request, the indictment, information or complaint is not brought to trial within that period, *or the motion to revoke probation is not brought for a hearing within that period*, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment, information, *motion to revoke probation* or complaint be of any further force or effect, and the court shall dismiss it with prejudice.

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

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

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.