

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

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**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Jason Thompson, Senior Assistant Revisor of Statutes  
Date: February 15, 2018  
Subject: Bill Brief for SB 409

SB 409 creates statutory procedures and limitations concerning contact with jurors. The bill creates two new sections of law: Section 1 for the Kansas code of criminal procedure and Section 2 for the code of civil procedure.

Under current law, contact with jurors is governed by Supreme Court Rule 169 (see page 2). Both new sections of the bill provide that on completion of a jury trial and before the jury is discharged, the court shall inform the jurors that they have an absolute right to discuss or not discuss the deliberations or verdict with anyone. Following discharge of the jury, the parties and their attorneys or representatives can discuss the jury deliberations or verdict with a juror only if the juror consents and the discussion takes place at a reasonable time and place. If the discussion occurs at any time more than 24 hours after the verdict, the contacting party is required to inform the juror of certain information about the contact and remind the juror that they have the absolute right to discuss or not discuss the deliberations or verdict in the case. Any unreasonable contact with a juror shall be immediately reported to the trial court and any violation of this law may be punished as contempt of court.

**Rule 169**  
**POSTTRIAL COMMUNICATION WITH JURORS**

On completion of a jury trial and before the jury is discharged, the court must give the substance of the following instruction:

You now have completed your duties as jurors in this case and are discharged with the thanks of the court. The question may arise whether you may discuss this case with the attorneys who presented it to you. For your guidance the court instructs you that whether you talk to anyone is entirely your own decision. It is proper for the attorneys to discuss the case with you and you may talk with them, but you need not. If you talk with them you may tell them as much or as little as you like about your deliberations or the facts that influenced your decision. If an attorney persists in discussing the case over your objections, or becomes critical of your service either before or after any discussion has begun, please report it to me.<sup>1</sup>

[History: Am. effective October 17, 2007; Restyled rule effective July 1, 2012; Am. effective July 1, 2016.]