

HOUSE BILL No. 2064

By Committee on Judiciary

1-23

1 AN ACT concerning the uniform act regulating traffic; relating to
2 violations; appearance before a judge; amending K.S.A. 8-2104 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 8-2104 is hereby amended to read as follows: 8-
7 2104. (a) When a person is stopped by a law enforcement officer for any
8 violation of any provision of the uniform act regulating traffic on
9 highways not amounting to a felony, the person shall be taken into custody
10 and taken without unnecessary delay before a judge of the district court, as
11 specified in ~~subsection (d)~~ of K.S.A. 8-2106(d), and amendments thereto,
12 if:

13 (1) Such person demands an immediate appearance before a judge; or

14 (2) *the law enforcement officer believes there is sufficient evidence*
15 *for such person* ~~is~~ to be charged with a violation of K.S.A. 8-1567 and 8-
16 1568, and amendments thereto.

17 (b) When ~~any~~ a person is stopped by a law enforcement officer for
18 any violation of any provision of the uniform act regulating traffic on
19 highways, ~~which violation~~ *that* is a misdemeanor, and *the person* is not
20 required to be taken before a judge of the district court as provided in
21 subsection (a), the person, in the discretion of the law enforcement officer,
22 may be taken into custody and taken without unnecessary delay before a
23 judge of the district court, as specified in ~~subsection (d)~~ of K.S.A. 8-
24 2106(d), and amendments thereto.

25 (c) When ~~any~~ a person is stopped by a law enforcement officer for
26 any violation of any provision of the uniform act regulating traffic on
27 highways, ~~which violation~~ *that* is a traffic infraction, and *the person* is not
28 required to be taken before a judge of the district court as provided in
29 subsection (a), the person shall not be taken before a judge of the district
30 court.

31 (d) When ~~any~~ a person is stopped by a law enforcement officer and ~~is~~
32 *the law enforcement officer believes there is sufficient evidence for such*
33 *person* to be charged with violation of any statute defining a traffic
34 violation ~~which~~ *that* is a felony, the person shall be taken without
35 unnecessary delay before a judge of the district court as specified in
36 ~~subsection (d)~~ of K.S.A. 8-2106(d), and amendments thereto.

1 Sec. 2. K.S.A. 8-2104 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.