

SESSION OF 2020

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR
SENATE BILL NO. 102**

As Amended by House on Final Action

Brief*

House Sub. for SB 102, as amended, would create and amend law related to orders by the Chief Justice of the Supreme Court (Chief Justice) regarding deadlines, time limitations, and two-way electronic audio-visual communication (videoconferencing), as follows.

The bill would create provisions stating, notwithstanding any other provisions of law, during any state of disaster emergency declared pursuant to KSA 48-924, the Chief Justice may issue an order to extend or suspend any statutory deadlines or time limitations, or authorize the use of video-conferencing in any court proceeding, when the Chief Justice determines such action is necessary to secure the health and safety of court users, staff, and judicial officers. The bill would further provide that any order issued pursuant to these provisions could remain in effect for up to 150 days after a state of disaster emergency is terminated, and any order in violation of these provisions would be void. These provisions would expire on March 31, 2021.

The bill would amend the speedy trial statute in the Kansas Code of Criminal Procedure to authorize the Chief Justice to issue an order to extend or suspend any deadlines or time limitations in the statute pursuant to the provisions outlined above.. The bill would require, upon termination of such order, any trial scheduled during the time such order was in effect be placed back on the court scheduled within 150 days.

*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>

Similarly, the bill would amend the statute in the Code of Civil Procedure governing computation of time to authorize the Chief Justice to issue an order to extend or suspend the computation rules or time limitations established in the statute pursuant to the provisions outlined above.

The bill would be in effect upon publication in the *Kansas Register*.

Background

As introduced and passed by the Senate in 2019, SB 102 would have created the Closed Case Task Force. These provisions were enacted in 2019 HB 2290.

The 2020 House Committee on Judiciary recommended a substitute bill for SB 102 containing modified provisions of HB 2743.

HB 2743 (Chief Justice; Judicial Branch Operations)

HB 2743 was introduced by the House Committee on Taxation at the request of Representative Patton.

In the House Committee on Judiciary hearing on HB 2743, the Chief Justice testified in support of the bill, stating it would allow the Kansas court system to address issues arising from the current COVID-19 emergency and similar situations in the future. The Attorney General submitted written-only proponent testimony, suggesting changing the term “alter” to “extend” in reference to deadlines. No other testimony was provided.

The House Committee amended the bill to modify the language pursuant to the Attorney General’s suggestion, add a sunset date of March 31, 2021, to the provisions created or added by the bill, and ensure consistent terminology throughout the bill. The House Committee then

recommended the amended language of HB 2743 be placed into a substitute for SB 102.

The House amended House Sub. for SB 102 on final action to limit the application of its provisions to a state of disaster emergency, allow orders to remain in effect for up to 150 days after such emergency is terminated, declare any order in violation of the provisions to be void, require a criminal trial affected by such order to be placed back on the court schedule within 150 days upon termination of the order, and restructure the amendments to the speedy trial statute and Code of Civil Procedure statute.

No fiscal note for HB 2743 was available at the time of House action on House Sub. for SB 102.