

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

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

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**MEMORANDUM**

To: House Committee on Judiciary  
From: Office of Revisor of Statutes  
Date: February 3, 2022  
Subject: Bill Brief on HB 2538

HB 2538 modifies the time requirement for holding a preliminary hearing and allows testimony to be presented through two-way electronic audio-video communication.

The bill amends K.S.A. 22-2902, which is the statute that gives the state and every person charged with a felony the right to a preliminary hearing. Current law requires that preliminary hearing to be held within 14 days after the arrest or personal appearance of the defendant. This bill would change that to require the hearing to be held within a reasonable time after the arrest or personal appearance. Current law also requires witnesses, except those under 13 years of age, to be examined in the presence of the defendant. This bill removes that requirement and allows both the state and the defendant to present testimony of a witness through a two-way electronic audio-video communication device. Finally, the bill allows hearsay evidence to be admissible at a preliminary hearing.