

To: House Judiciary Committee

From: John Goodyear, General Counsel

Date: February 17, 2022

RE: Neutral Testimony on HB 2697

We want to thank Chairman Patton and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide neutral testimony on HB 2697.

The League does not have a position on the bill. The reason for our testimony today is to call attention to a minor change made in section 1 of the bill.

In line 10, the persons who can request a determination of competency to stand trial has been subtly changed in a way that has a real effect. By changing “prosecuting attorney” to the “county or district attorney” the bill excludes other entities that may be prosecuting a case.

There are circumstances where the prosecuting attorney is not a county or district attorney. Relevant for cities, in a case where a municipal court decision is before the district court on a de novo appeal, the city attorney or city prosecutor would be the prosecuting attorney. HB 2697 as drafted would prevent this city attorney from requesting a competency review in the district court.

It is our belief that this change was not intentional, but that it should be fixed if the Committee chooses to work the bill and move it forward.