

CALVIN H. HAYDEN  
SHERIFF



DOUGLAS G. BEDFORD  
UNDERSHERIFF

DUTY HONOR SERVICE

588 E. SANTA FE, SUITE 2000  
OLATHE, KS 66061  
[www.jocosherriff.org](http://www.jocosherriff.org)

## **Testimony to the Senate Judiciary Committee in Support of HB 2078**

March 11, 2021, 2018

Madam Chair Warren and Committee Members,

The Johnson County Sheriff's Office supports HB2078. We provided testimony to the Special Committee on the Kansas Emergency Management Act last year in September and outlined three areas of concern for our agency under KEMA. One of those was a request for the Legislature to make the speedy trial issue a top priority for this session.

Kansas has a "speedy trial" statute, in addition to the constitutional speedy trial rights found in the U.S. and state Constitutions. This bill addresses the issues that have arisen due to the COVID-19 pandemic – namely beginning a trial within the statutory guidelines Kansas law requires. Failure to do so could result in persons accused of crimes, serious crimes, not receiving their day in court, and victims or victims' families not being able to participate in the trial process. The remedy under statute would be to release an accused person, regardless of the severity of the crime, without a trial and with no means of retrying the accused.

On February 18, 2021, the House Judiciary Committee amended HB2078 with an amendment that was, as we understand it, agreed to by the Kansas Association of Criminal Defense Lawyers and the Kansas County and District Attorneys Association. This amendment suspends the provisions of the speedy trial statute in the Kansas Code of Criminal Procedure until May 1, 2024, in all criminal cases. It provides guidance to judges on prioritizing backlogged cases for trial so that the COVID induced logjam of cases can be processed efficiently. The bill provides a procedural remedy, rather than a substantive one, so the bill will be applied retroactively – as has been done by the Legislature in the past. It was passed overwhelmingly by the House (107 – 17).

I want to stress again that this bill does nothing to the constitutional rights found in the United States and Kansas Constitutions concerning speedy trial rights. No bill is capable of that and only a constitutional amendment could change those rights. This bill only amends Kansas

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statute that deals with speedy trial – KSA 22-3402. This statute, though probably well intended, has turned justice into a numbers game that does not consider natural disaster, pandemics, civil uprisings, or any other issue that can cause widespread disruption with the judicial system. One could argue the same is not true of the constitutional rights.

The Johnson County Sheriff's Office houses hundreds of inmates in our facilities daily. Many of these persons held in our jails are awaiting trial. While in our custody and care we are charged with protecting the constitutional rights of each inmate. We are also charged with defending the rights of the victims of crime. We believe that HB2078 as amended will provide a way to do both.

We would ask the committee to recommend this bill favorably for passage.

Greg Smith  
Johnson County Sheriff's Office  
Special Deputy Sheriff for Government, Veteran, and Victim Affairs  
Phone: 913.249.2954  
Email: [gregory.smith@jocogov.org](mailto:gregory.smith@jocogov.org)