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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 11, 2021
Subject: Bill Brief for HB 2078

House Bill 2078, as amended by House Committee, suspends statutory speedy trial rights until May 1, 2024, in all criminal cases and provides guidelines for prioritizing trials.

The bill amends K.S.A. 22-3402, which provides the statutory speedy trial requirement in criminal cases. As introduced, the bill would have suspended the statutory speedy trial requirement in all criminal cases filed prior to the effective date of this act until May 1, 2024, and would have eliminated the speedy trial requirement for all criminal cases filed on or after the effective date of this act. The House Committee on Judiciary retained language suspending the statutory speedy trial requirement until May 1, 2024, but made it applicable to all criminal cases, and removed the provision that would have eliminated the speedy trial requirement.

The House Committee on Judiciary also added new subsection (k) to provide relevant factors trial courts shall consider when prioritizing cases for trial, including, but not limited to, the: (1) Trial court's calendar; (2) relative prejudice to the defendant; (3) defendant's assertion of the right to speedy trial; (4) calendar of trial counsel; (5) availability of witnesses; and (6) relative safety of the proceedings to participants as a result of the response to the COVID-19 public health emergency in the judicial district. New subsection (l) remains as introduced and provides that the amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.

If passed, the bill would take effect on publication in the Kansas register.