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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 8, 2022
Subject: Bill Brief for HB 2607

House Bill 2607, as amended by House Committee, clarifies the time limitations for habeas corpus claims.

The bill amends K.S.A. 60-1507, which is the habeas corpus statute for prisoners in custody under sentence. Under current law, a habeas corpus action must be filed within one year of: (1) The final order of the last appellate court in this state to exercise jurisdiction on a direct appeal or the termination of such jurisdiction; or (2) the denial of a petition for writ of certiorari to the United States supreme court or issuance of such court's final order following granting such petition.

The bill adds a provision requiring an action to be filed within one year of the decision of the district court denying a prior motion under this section, the opinion of the last appellate court in this state to exercise jurisdiction on such prior motion or the denial of the petition for review on such prior motion, whichever is later.

The House Committee on Corrections and Juvenile Justice added a new subsection to provide that the amendments made by this act shall not bar actions under this section that are brought within one year of the effective date of this act. The Committee also amended the bill to take effect upon publication in the Kansas Register.