

January 31, 2014

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2490 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2490 is respectfully submitted to your committee.

HB 2490 would amend the Kansas Code of Criminal Procedure with regard to jury conduct after a case is submitted for decision. The bill would replace multiple references to "duly sworn officer" with the term "bailiff." The bill would also add to the list of admonishments the court must provide to jurors if the jury is permitted to separate during trial or after the case is submitted. Jurors would be permitted to assimilate and evaluate the evidence as it accumulates during trial, but must not begin deliberating until the case is submitted. Upon deliberating, the jury would be allowed to take all admitted exhibits into the jury room for review. Rules regarding how the jury may seek information from the court on points of law or evidence after it has retired for deliberation would be amended as follows:

1. Any question the jury wishes to ask the court about the instructions or evidence should be signed, dated and submitted in writing to the bailiff;
2. The court must notify the parties of the contents of the questions and provide them an opportunity to discuss an appropriate response with the defendant present unless such presence is waived;
3. The court must respond to all questions from a deliberating jury in open court with the defendant present unless such presence is waived, or in writing;
4. The court may grant a jury's request to rehear testimony; and

The Honorable Lance Kinzer, Chairperson

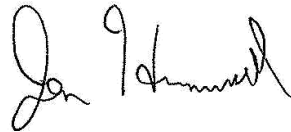
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5. Written questions from the jury, the court's response, and any objections must be made a part of the record.

The Office of Judicial Administration indicates that HB 2490 would have no fiscal effect on the revenues or expenditures of the Judicial Branch.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

Jon Hummell,  
Interim Director of the Budget

cc: Mary Rinehart, Judiciary