

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 312

As Amended by Senate Committee on Judiciary

Brief*

SB 312, as amended, would amend the criminal code to raise the statutory speedy trial deadline for a defendant held in jail from 90 days to 150 days after arraignment.

The bill also would amend the statutes governing criminal appeals to provide that the issuance of the mandate from the appellate court in criminal and related appeals would be automatically stayed when a party files notice that it intends to petition the U.S. Supreme Court for a writ of *certiorari* and the time to file such petition has not expired. Any mandate issued before a party files such notice would be withdrawn and stayed. The stay would be lifted if the petition for writ of *certiorari* is denied, upon the Supreme Court's final order after granting such petition, or once the time has expired for filing such petition and no petition has been filed.

Background

Under current law, any person charged with a crime and held in jail must be brought to trial within 90 days after arraignment, or else the person is entitled to be discharged without liability for the crime charged, unless the delay is caused by the defendant or the court orders a continuance for certain acceptable reasons.

The bill was introduced by the Senate Committee on Judiciary at the request of Senator King. In the Senate Committee, a representative of the Kansas County and

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

District Attorneys Association testified in support of the bill. A representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association also testified in support. A representative of the Attorney General's Office provided written testimony supporting the bill. A representative of the Kansas Association of Counties and a law professor testified as neutral conferees. A representative of the Kansas Association of Criminal Defense Lawyers submitted written testimony opposing the bill.

The Senate Committee amended the bill to make the stay for a petition of writ of *certiorari* applicable when a notice is filed by any party, rather than applying such stay only when a notice is filed by the State.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates the bill may alleviate some scheduling difficulties for district courts and could increase local government expenditures as criminal defendants could remain in jail for longer periods of time. Any fiscal effect associated with the bill is not reflected in *The FY 2015 Governor's Budget Report*.