

**HOUSE BILL No. 2064**

By Committee on Judiciary

1-23

Proposed Amendments to HB 2064 - Ralph  
House Judiciary  
Prepared by: Natalie Scott, Assistant Revisor  
February 6, 2019

1 AN ACT concerning the uniform act regulating traffic; relating to  
2 violations; appearance before a judge; amending K.S.A. 8-2104 and  
3 repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 8-2104 is hereby amended to read as follows: 8-  
7 2104. (a) When a person is stopped by a law enforcement officer for any  
8 violation of any provision of the uniform act regulating traffic on  
9 highways not amounting to a felony, the person shall be taken into custody  
10 and taken without unnecessary delay before a judge of the district court, as  
11 specified in ~~subsection (d) of K.S.A. 8-2106(d)~~, and amendments thereto,  
12 if:

13 (1) Such person demands an immediate appearance before a judge; or  
14 (2) ~~the law enforcement officer believes there is sufficient evidence~~  
15 ~~for such person to be charged with a violation of K.S.A. 8-1567 and 8-~~  
16 ~~1568, and amendments thereto.~~

17 (b) ~~When any a person is stopped by a law enforcement officer for~~  
18 ~~any violation of any provision of the uniform act regulating traffic on~~  
19 ~~highways, which violation that is a misdemeanor, and the person is not~~  
20 ~~required to be taken before a judge of the district court as provided in~~  
21 ~~subsection (a), the person, in the discretion of the law enforcement officer,~~  
22 ~~may be taken into custody and taken without unnecessary delay before a~~  
23 ~~judge of the district court, as specified in ~~subsection (d) of K.S.A. 8-~~~~  
24 ~~2106(d), and amendments thereto.~~

25 (c) ~~When any a person is stopped by a law enforcement officer for~~  
26 ~~any violation of any provision of the uniform act regulating traffic on~~  
27 ~~highways, which violation that is a traffic infraction, and the person is not~~  
28 ~~required to be taken before a judge of the district court as provided in~~  
29 ~~subsection (a), the person shall not be taken before a judge of the district~~  
30 ~~court.~~

31 (d) ~~When any a person is stopped by a law enforcement officer and is~~  
32 ~~the law enforcement officer believes there is sufficient evidence for such~~  
33 ~~person to be charged with violation of any statute defining a traffic~~  
34 ~~violation, which that is a felony, the person shall be taken without~~  
35 ~~unnecessary delay before a judge of the district court as specified in~~  
36 ~~subsection (d) of K.S.A. 8-2106(d), and amendments thereto.~~

both

1 Sec. 2. K.S.A. 8-2104 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its  
3 publication in the statute book.