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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Judiciary
From: Natalie Scott, Assistant Revisor of Statutes
Date: January 23, 2020
Subject: Bill Brief on HB 2447

HB 2447 makes changes to how two-way electronic audio-visual communication is used in courts. Section 1 amends K.S.A. 12-4213 to provide that a person's first appearance in municipal court after an arrest can be done by two-way electronic audio-visual communication.

Section 2 amends K.S.A. 12-4402 to provide that a municipal judge can permit appearances, pleas and satisfaction of judgement and sentence of the court by counsel to be done using two-way electronic audio-visual communication.

Section 3 amends K.S.A. 12-4404 to provide that arraignment in municipal court may be done by two-way electronic audio-visual communication.

Section 4 amends K.S.A. 12-4408 to provide that nonevidentiary hearings by a court to determine the merits of a motion can be conducted by two-way electronic audio-visual communication unless good cause is shown why such communication should not be used.

Section 5 amends K.S.A. 22-2802 to provide that proceedings in a district court before a magistrate to determine bond conditions can be conducted by two-way electronic audio-visual communication unless good cause is shown why such communication should not be used.

Section 6 amends K.S.A. 22-2803 to make a technical correction to cross-references.

Section 7 amends K.S.A. 22-2803 to provide that an arraignment where a defendant stands mute or enters a not guilty plea can be done by two-way electronic audio-visual communication unless good cause is shown why such communication should not be used.

Section 8 amends K.S.A. 22-3208 to provide that a nonevidentiary hearing in district court to determine the merits of a motion may be conducted by two-way electronic audio-visual communication unless good cause is shown why such communication should not be used.

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Section 9 amends K.S.A. 22-3405 to provide that defendants in felony cases who enter a no contest or guilty plea must be present at the arraignment.

Section 10 amends K.S.A. 38-2203 to provide that proceedings under the child in need of care code can utilize two-way electronic audio-visual communication to allow a child to appear.

Sections 11 and 12 amend K.S.A. 38-2343 and 38-2344 to make technical fixes to the way two-way electronic audio-visual communication is referred to.

Section 13 amends K.S.A. 60-243 to provide that testimony from a different location may be allowed when a party requests the use of two-way electronic audio-visual communication by written notice 7 days in advance.

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