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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: May 18, 2020

Subject: Bill Brief on HB 2447

House Bill 2447, as amended by House Committee, makes changes to how two-way electronic audio-visual communication is used in courts.

Sections 1 through 4 pertain to municipal courts. Section 1 amends K.S.A. 12-4213 to provide that a person's first appearance in municipal court after an arrest may be done by two-way electronic audio-visual communication. Section 2 amends K.S.A. 12-4402 to provide that a municipal judge may 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 conducted by two-way electronic audio-visual communication. Section 4 amends K.S.A. 12-4408 to provide that nonevidentiary hearings by a municipal court to determine the merits of any motion may be conducted by two-way electronic audio-visual communication, unless good cause is shown why such communication should not be used.

Sections 5 through 9 pertain to district courts. Section 5 amends K.S.A. 22-2802 to provide that proceedings in a district court before a magistrate to determine release conditions may 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. 22-3205 to provide that an arraignment at which a defendant stands mute or enters a not guilty plea may be conducted 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 hearings by a district court to determine the merits of any motion may be

conducted by two-way electronic audio-visual communication, unless good cause is shown why such communication should not be used. Section 9 amends K.S.A. 22-3405 to provide that the defendant in a felony case shall be present at any arraignment in which a no contest or guilty plea is entered.

Section 10 amends K.S.A. 38-2203, part of the revised Kansas code for care of children, to provide that in any proceeding under the code, the court may utilize two-way electronic audio-visual communication to allow a child to appear. The House Committee on Judiciary amended this provision to include a parent. Sections 11 and 12 amend K.S.A. 38-2343 and 38-2344, part of the revised Kansas juvenile justice code, to make technical corrections to the way two-way electronic audio-visual communication is referred to.

Finally, Section 13 amends K.S.A. 60-243, part of the rules of civil procedure, to provide that testimony by contemporaneous transmission from a different location may be allowed whenever any party requests the use of two-way electronic audio-visual communication by written notice at least 7 days in advance. The House Committee on Judiciary amended this provision to allow a court to modify the notice period upon a showing of good cause and to authorize the supreme court to adopt rules to govern the administration of an oath to a witness who testifies by two-way electronic audio-visual communication.