IN THE SUPREME COURT OF KANSAS

FILED
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DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Administrative Order

2020-PR-031

Order Suspending Certain Deadlines and Time Limitations in Kansas Municipal Courts Due to the COVID-19 Emergency

On March 11, 2020, the World Health Organization declared the COVID-19 disease a pandemic. On March 12, 2020, Kansas Governor Laura Kelly declared a state of disaster emergency. On March 13, 2020, President Donald Trump declared a national emergency. On March 18, 2020, the Chief Justice of the Kansas Supreme Court, in consultation with the members of the Kansas Supreme Court, issued Administrative Order 2020-PR-16, imposing statewide judiciary restricted operations due to the COVID-19 emergency. On March 30, 2020, Kansas Governor Laura Kelly's Executive Order No. 20-16 took effect establishing a statewide "stay home" order. These declarations warrant extraordinary measures to mitigate COVID-19 spread.

Due to the outbreak of COVID-19, an emergency exists that poses a threat of imminent and potentially lethal harm to vulnerable individuals who may come in contact with a carrier of COVID-19. Rapid escalation of the emergency requires comprehensive measures to protect the health and safety of Kansans, including municipal court employees and judges. Further, many governing bodies across Kansas have closed or are considering closing municipal courts.

As the Chief Justice of the Kansas Supreme Court, in consultation with the members of the Kansas Supreme Court, I have determined the following actions are necessary to secure the health and safety of municipal court users, staff, and judicial officers:

1. Under the provisions of 2020 House Substitute for Senate Bill 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020), the deadlines and time standards in K.S.A. 12-4501 and any other applicable statutory speedy trial provision are suspended as of the date of this order in any municipal court that has been closed by its governing body because of the COVID-19 pandemic. If a municipal court is closed by its governing body after the effective day of this order, the suspension of deadlines and time standards imposed by this paragraph will become effective upon the court's closure. The deadlines and time standards will remain suspended until the court is reopened and can reasonably place the case on its calendar, or until further order of the Chief Justice. If a trial has been continued under the provisions of K.S.A. 12-4501 on the date this order is issued, the continuance may be extended under the provisions of this paragraph and as consistent with House Substitute for S.B. 102.

2. Under the provisions of 2020 House Substitute for Senate Bill 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020), all deadlines and time limitations set in a notice to appear or an appearance bond under K.S.A. 12-4403 and any other applicable statutory provision are suspended as of the date of this order in any municipal court that has been closed by its governing body because of the COVID-19 pandemic, except in a case in which the defendant is held in custody. If a municipal court is closed by its governing body after the effective date of this order, the suspension of deadlines and time limitations imposed by this paragraph will become effective upon the court's closure. The deadlines and time limitations suspended under this paragraph will remain suspended until the court is reopened or until further order of the Chief Justice, upon which the court must reset the appearance date at the earliest available time on the court's calendar and as consistent with House Substitute for S.B. 102.

3. Under the provisions of 2020 House Substitute for Senate Bill 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020), a municipal court that remains open during the COVID-19 pandemic may utilize two-way electronic audio-visual communication in any court proceeding to the extent feasible. Such communication is authorized for any proceeding to the extent permitted by the United States and Kansas Constitutions and rules related to judicial conduct.

4. This order supersedes any portion of municipal court orders or prior orders of this court conflicting with this order.

Dated this 3rd day of April 2020. This order is effective upon filing.

Marla Luckert

MARLA LUCKERT
Chief Justice