IN THE SUPREME COURT OF THE STATE OF KANSAS

FILED
MAY 27 2020
DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Administrative Order

2020-PR-058

Order Under 2020 House Substitute for Senate Bill 102 and Governor's May 26, 2020, State of Disaster Emergency Declaration Suspending Deadlines and Time Limitations in Judicial Proceedings

2020 House Substitute for Senate Bill 102 became effective upon its publication in the Kansas Register on March 19, 2020 (39 Kan. Reg. 304). Its provisions authorize me, as Chief Justice of the Kansas Supreme Court, to enter certain orders during any state of disaster emergency declared under K.S.A. 48-924 upon a finding that the orders are necessary to secure the health and safety of court users, staff, and judicial officers.

On March 12, 2020, Kansas Governor Laura Kelly declared a state of disaster emergency under K.S.A 48-924 in response to confirmed cases of novel Coronavirus (COVID-19) in the state of Kansas, finding that a public health emergency existed. The Legislature subsequently ratified and extended that declaration through May 1, 2020, in House Concurrent Resolution No. 5025.

Through Administrative Order 2020-PR-016, filed on March 18, 2020, I entered a statewide order limiting court functions in Kansas state courts after determining the order was necessary to protect the health and safety of court users, staff, and judicial officers because of the COVID-19 outbreak. On April 3, 2020, through Administrative Order 2020-PR-32, I issued a second order that expanded district court functions but continued limitations as necessary to protect the health and safety of court users, staff, and judicial officers.

Both Administrative Orders 2020-PR-016 and 2020-PR-032 invoked a provision in H. Sub. for S.B. 102 that allows me to "issue an order to extend or suspend any deadlines or time limitations established by statute." H. Sub. for S.B. 102, § 1(a). Numbered paragraph 15 of Administrative Order 2020-PR-16 invoked this provision effective upon the publication of H. Sub. for S.B. 102 by suspending until further order all statutes of limitations and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings. Numbered paragraph 17 of Administrative Order 2020-PR-32 continued that invocation. In Administrative Order 2020-PR-047, I again invoked the provision under Governor Laura Kelly's April 30, 2020, State of Disaster Emergency Declaration under the authority of K.S.A. 48-924. This Administrative Order does not affect Administrative Orders 2020-PR-016, 2020-PR-032, or Administrative Order 2020-PR-047.

Yesterday, Governor Laura Kelly issued a third State of Disaster Emergency Declaration under the authority of K.S.A. 48-924.

I find that in-person judicial proceedings continue to pose a threat to the health and safety of court users, staff, and judicial officers.

Under the authority granted to me in H. Sub. for S.B. 102 and in connection with the May 26, 2020, declaration issued by Governor Kelly, I order the following to secure the health and safety of court users, staff, and judicial officers:

1. All statutes of limitation and statutory time standards or deadlines applying to the conduct or processing of judicial proceedings are suspended until further order or the termination of this order under the terms of H. Sub. for S.B. 102.

2. The Clerk of the Appellate Courts will timely issue mandates under Supreme Court Rule 7.03(b) (2020 Kan. S. Ct. R. 44). Because the statutory deadline to file a petition for review is suspended, the Supreme Court will entertain a motion to stay the issuance of a mandate to file a petition for review.

3. Except as to a statute of limitation, any district court judge, appellate judicial officer, or hearing officer may exempt a case from the suspension of a statutory or other deadline by (a) entering an order in a case or issuing a notice of hearing that imposes a deadline or time requirement and (b) specifically stating that the deadline or time requirement is not subject to the suspension of time in this order.

4. No action may be dismissed for lack of prosecution or for the failure to meet a deadline, except when a court has (a) invoked the exception in paragraph 3 and (b) issued an order to show cause why the action should not be dismissed.

5. This order does not pertain to deadlines or time limitations under K.S.A. 2019 Supp. 22-3402, which imposes deadlines and time limitations for bringing a criminal defendant to trial. Those deadlines and time limitations are suspended under Administrative Order 2020-PR-57, also effective this date.

Dated this 27th day of May 2020. This order is effective upon filing.

Marla Luckert

MARLA LUCKERT
Chief Justice