IN THE SUPREME COURT OF THE STATE OF KANSAS

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

Administrative Order

2020-PR-055

RE: Order Under 2020 House Substitute for Senate Bill 102 and Governor's May 26, 2020, State of Disaster Emergency Declaration Suspending Statutory Speedy Trial Deadlines and Time Standards in K.S.A. 12-4501, Deadlines and Time Limitations in K.S.A. 12-4403, Authorizing the Use of Two-way Telephonic and Audiovisual Communication in Municipal Courts

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-031, filed on April 3, 2020, I entered an order suspending certain deadlines and time limitations in municipal courts under some circumstances. On April 9, 2020, through Administrative Order 2020-PR-036, I expanded the circumstances under which the various municipal court deadlines would be suspended and the deadlines and time limitations that were suspended.

Both Administrative Orders 2020-PR-031 and 2020-PR-036 invoked provisions in H. Sub. for S.B. 102 (39 Kan. Reg. 304, March 19, 2020). In Administrative Order 2020-PR-44, I again invoked provisions in H. Sub. For S.B. 102 under Governor Kelly's April 30, 2020, State of Disaster Emergency Declaration. This Administrative Order does not affect Administrative Orders 2020-PR-031, 2020-PR-036, or 2020-PR-044.

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 municipal court users, staff, and judicial officers.

Under the authority granted to me in H. Sub. for S.B. 102 and because it remains necessary to take action to secure the health and safety of municipal court users, staff, and judicial officers, I order the following:

1. Under the provisions of H. Sub. for S.B. 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 because of the COVID-19 pandemic by its governing body, city manager, municipal judge, or other municipal officer or agent authorized to take such action. If a municipal court is closed because of the COVID-19 pandemic after the effective date 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. 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 H. Sub. for S.B. 102.

2. Under the provisions of H. Sub. for S.B. 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020), except in a case in which the defendant is held in custody, 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 because of the COVID-19 pandemic by its governing body, city manager, municipal judge, or other municipal officer or agent authorized to take such action. If a municipal court is closed because of the COVID-19 pandemic 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, upon which the court must reset the appearance date at the earliest available time on the court's calendar and as consistent with H. Sub. for S.B. 102.

3. Under the provisions of H. Sub. for S.B. 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020), a municipal court may use two-way telephonic or electronic audio-visual communication in any court proceeding to the extent feasible. Two-way telephonic or electronic audio-visual communication is authorized for any proceeding to the extent permitted by the United States and Kansas Constitutions and rules related to judicial conduct.

4. Under the provisions of 2020 H. Sub. for S.B. 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 when a municipal court continues a trial because of the COVID-19 pandemic. The deadlines and time standards will remain suspended until the court can reasonably place the case on its calendar, or until further order. If a trial has already 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 H. Sub. for S.B. 102.

5. Under the provisions of H. Sub. for S.B. 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 continues such deadlines and time limitations because of the COVID-19 pandemic, except in a case in which the defendant is held in custody. The deadlines and time limitations suspended under this paragraph will remain suspended until the court can reasonably place the appearance date back on its calendar, or until further order, upon which the court must reset the appearance date at the earliest available time and as consistent with H. Sub. for S.B. 102.

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

Marla Luckert

MARLA LUCKERT
Chief Justice