Chief justice announces plan to reinstate most time limitations and deadlines for court proceedings

TOPEKA—Chief Justice Marla Luckert said today she will reinstate most statutes of limitation and statutory time standards or deadlines that apply to judicial proceedings on April 15, 2021. Under legislation passed in 2020, during a state of disaster emergency the chief justice has authority to suspend deadlines or time limitations established by statute if necessary to secure the health and safety of court users, staff, and judicial officers. Effective March 19, 2020, the Chief Justice ordered all statutory deadlines or time limitations suspended.

Legislative proposals

The chief justice's statutory authority to issue new time suspension orders will end on March 31, 2021 unless the Legislature takes action to extend the relevant provisions of K.S.A. 2020 Supp. 20-172. **House Bill 2227** currently being considered by the Legislature would extend that authority. Other proposed legislation, **HB 2078** and **SB 57**, would continue the suspension of speedy trial statutes under K.S.A. 22-3402.

Reinstatement plan

Assuming she has the statutory authority to do so, the chief justice will continue the suspension of:

- statutory speedy trial deadlines in criminal cases;

- time requirements for filing actions under K.S.A. 60-1501 and K.S.A. 60-1507; and
- time requirements for a defendant's appearance in limited action cases under K.S.A. 61-3002(b).

Effective April 15, 2021, all other statutes of limitation and statutory time standards, deadlines, and time limitations will resume.

Constitutional speedy trial protections remain in place.

Time calculation when suspensions lift

If enacted by the Legislature in its current form, HB 2227 will include a provision explaining time calculation when suspensions lift:

"(1) For a deadline or time limitation that was extended or suspended because of an order issued pursuant to subsection (a), on the date such order terminates, a person shall have the same number of days to comply with the deadline or time limitation as the person had when the deadline or time limitation was extended or suspended;

and

"(2) for a deadline or time limitation that did not begin to run because of an order issued pursuant to subsection (a), on the date such order terminates, a person shall have the full period provided by law to comply with the deadline or time limitation."

Background and administrative orders

Luckert has issued several administrative orders suspending stat deadlines and time limitations under:

- 2020 House Substitute for Senate Bill 102, which became effective upon its publication in the Kansas Register on March 19, 2020 (39 Kan. Reg. 304); and
- Legislative amendments to 2020 House Substitute for Senate Bill 102, § 1, through 2020 Spec. Sess. House Bill 2016, § 24, which became effective upon its publication in the Kansas Register on June 8, 2020 (39 Kan. Reg. 755).

The most recent order, **2021-PR-009**, states it will remain in effect until the chief justice's further order or it expires under the terms of K.S.A. 2020 Supp. 20-172.

For all court actions related to the pandemic, visit **Kansas courts response to COVID-19**.

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