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

TOPEKA—Chief Justice Marla Luckert announced today her plan to reinstate statutes of limitation and statutory time standards or deadlines that apply to the conduct or processing of judicial proceedings.

“My actions to suspend some deadlines and time limitations at the beginning of the pandemic were to uphold peoples’ legal and constitutional rights while courts made changes to case processing to adhere to public health guidelines,” Luckert said. “Now more services are being provided remotely, and all district courts are providing in-person service.”

Luckert said she’s announcing her plan now so Kansans and their attorneys have adequate notice of her plan to reinstate deadlines and statutes of limitations that impact court proceedings.

Most time requirements reinstated August 3

The current plan is to reinstate most time requirements effective August 3, 2020, assuming all district court facilities in Kansas remain open to the public.

Courts across the state have worked with local health officials to set dates to reopen court offices to the public. Some have allowed public access for several weeks, and others have just recently done so.

Some deadline suspensions will continue

Although the chief justice plans to reinstate most time requirements, the suspension of deadlines in K.S.A. 2019 Supp. 22-3402, K.S.A. 12-4501, and K.S.A. 12-4403 will continue after August 1.

These statutes deal with speedy trial deadlines in criminal cases in district courts and time requirements for trials and arraignments in municipal courts.

Courts must meet constitutional requirements but need additional flexibility until trials can be safely scheduled in large numbers. And at least some municipal courts do not plan to reopen until after August 1.

Deadlines affecting people in jails, prisons

The chief justice is monitoring public health conditions, including the situation in jails and prisons, to determine whether other deadlines, such as those that impact prisoners, should remain suspended.

Background and administrative orders

Several administrative orders entered under **2020 House Substitute for Senate Bill 102** are impacted. The legislation and its amendments in **2020 Special Session House Bill 2016**, § 24 allow the chief justice 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.

The legislation authorized an order extending or suspending any deadlines or time limitations established by statute. The chief justice invoked this provision in connection with Governor Laura Kelly's declarations of a state of disaster emergency under K.S.A 48-924.

The governor issued her first state of disaster emergency declaration March 12, 2020. The Legislature subsequently ratified and extended that declaration through May 1, 2020, in **House Concurrent Resolution No. 5025**.

The chief justice suspended statutes of limitation and statutory time standards or deadlines effective March 19, 2020, through Administrative Order 2020-PR-016, paragraph 15, and reiterated that order in Administrative Order 2020-PR-32, paragraph 17, on April 3, 2020.

The governor issued a second state of disaster emergency declaration on April 30, 2020. Under that declaration, the chief justice reiterated the suspension of statutes of limitation and statutory time standards or deadlines in Administrative Order 2020-PR-047 on May 1, 2020.

On May 26, the governor issued a third state of disaster emergency declaration. On May 27, the chief justice issued **Administrative Order 2020-PR-058** under that declaration. That order again suspended all statutes of limitation and statutory time standards or deadlines applying to conduct or processing of judicial proceedings. **2020 Special Session House Bill 2016** extends the disaster emergency declaration through September 15, 2020.

© 2019 Kansas Judicial Branch