IN THE SUPREME COURT IN THE STATE OF KANSAS

Administrative Order

2020-PR-036

Order Amending 2020-PR-031

FILED
APR 09 2020
DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

This order complements and expands Administrative Order 2020-PR-031, which suspended certain deadlines and time limitations in municipal courts under some circumstances. Administrative Order 2020-PR-031 and this current order are aimed at mitigating local and statewide outbreaks of the coronavirus COVID-19 and protecting the health and safety of the public and municipal court personnel.

This order expands and clarifies 2020-PR-31 by:

- Expanding the circumstances covered by numbered paragraph 1 of 2020-PR-031 to suspend the deadlines and time standards in K.S.A. 12-4501 and any other applicable statutory speedy trial provision to include municipal courts closed not only by the governing body, as provided for in 2020-PR-031, but also those closed by a city manager, municipal judge, or other municipal officer or agent authorized to take such action. The suspension of these timelines is made under the provisions of 2020 House Substitute for Senate Bill 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020).

- Expanding the circumstances covered by numbered paragraph 2 of 2020-PR-031 to suspend 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 for any municipal court closed not only by the governing body, as provided for in 2020-PR-031, but also those closed by a city manager, municipal judge, or other municipal officer or agent authorized to take such action. The suspension of these timelines is made under the provisions of 2020 House Substitute for Senate Bill 102, Sec. 1 (39 Kan. Reg. 304, March 19, 2020). The suspension of these timelines does not apply when a defendant is held in custody.

- Authorizing the use of telephonic communication in addition to two-way electronic audio-visual communication.

- Adding a new paragraph stating: 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 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 of the Chief Justice. 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 House Substitute for S.B. 102.

- Adding a new paragraph stating: 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 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 of the Chief Justice, upon which the court must reset the appearance date at the earliest available time and as consistent with House Substitute for S.B. 102.

The expansions and clarifications set out above combine to order:

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 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 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), 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 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 may utilize 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 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 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 of the Chief Justice. 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 House Substitute for S.B. 102.

5. 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 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 of the Chief Justice, upon which the court must reset the appearance date at the earliest available time and as consistent with House Substitute for S.B. 102.

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

Dated this 9th day of April 2020. This order is effective upon filing.

Marla Luckert

MARLA LUCKERT
Chief Justice