IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order

2020-PR-046

FILED
MAY 01 2020
DOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

Order Under 2020 House Substitute for Senate Bill 102 and Governor's April 30, 2020, State of Disaster Emergency Declaration Suspending Deadlines and Time Limitations under K.S.A. 2019 Supp. 22-3402

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" under K.S.A. 2019 Supp. 22-3402, which imposes time limitations and deadlines for bringing a criminal defendant to trial. H. Sub. for S.B. 102, § 2. Numbered paragraph 3 of Administrative Order 2020-PR-16 invoked this provision as did numbered paragraph 5 of Administrative Order 2020-PR-32. This Administrative Order does not affect Administrative Orders 2020-PR-016 and 2020-PR-032.

Yesterday, on the eve of the expiration of the March 12, 2020, State of Disaster Emergency Declaration, Governor Laura Kelly issued a second State of Disaster Emergency Declaration under the authority of K.S.A. 48-924. The declaration recognizes an ongoing public health crisis related to the COVID-19 virus and its threat to Kansans.

I find in-person judicial proceedings, especially those involving a jury, 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 April 30, 2020, declaration issued by Governor Kelly, I order the following in order to secure the health and safety of court users, staff, and judicial officers:

All deadlines and time limitations to bring a defendant to trial established by K.S.A. 2019 Supp. 22-3402 and its amendments are suspended until further order or this order's expiration under H. Sub. for S.B. 102.

Dated this 1st day of May 2020. This order is effective upon filing.

Marla Luckert

MARLA LUCKERT
Chief Justice