

SESSION OF 2024

SUPPLEMENTAL NOTE ON SENATE BILL NO. 473

As Recommended by Senate Committee on
Judiciary

Brief*

SB 473 would amend the Kansas Code of Criminal Procedure to allow a notice to appear (NTA) to serve as a valid complaint when it is signed by a law enforcement officer (LEO) and meets the following criteria:

- The NTA is issued for any unclassified misdemeanor or nonperson misdemeanor [*Note:* Continuing law requires an NTA to contain the notice and address of the person detained, the crime charged, and the time and place when and where such person shall appear in court.];
- A Memorandum of Agreement (MOA) exists between the County or District Attorney of the jurisdiction where the NTA is issued and the law enforcement agency who employs the LEO signing the complaint; and
- The NTA is in compliance with the requirements of the MOA and includes the contents for a complaint as required by continuing law.

The bill would also make technical amendments.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the Senate Committee on Judiciary at the request of a representative of of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association.

Senate Committee on Judiciary

At the Senate Committee hearing on February 15, 2024, a representative of the Johnson County Sheriff's Office and a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association provided **proponent** testimony. Proponents stated the bill would allow a county or state law enforcement agency to have discretion in issuing an NTA for unclassified and nonperson misdemeanor crimes rather than making an arrest in every case, and noted that continuing law allows the use of an NTA by municipal LEOs for these types of misdemeanors.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

Crimes; criminal procedure; notice to appear