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**January 23, 2020**

**House Committee on the Judiciary**

Hon. Fred Patton, Chair  
Hon. Bradley Ralph, Vice-Chair  
Hon. John Carmichael, Ranking Minority Member

On behalf of the Kansas Association of District Court Clerks and Administrators, I encourage you to approve the passage of HB 2447 out of Committee. This legislation is a result of significant research and deliberation on the appropriate way to increase efficiency and access to justice while protecting Constitutional Rights.

I have the privilege of testifying today alongside Chief Judge Arnold-Burger. She served on the Kansas Judicial Branch Videoconferencing Committee. This Committee surveyed existing rules and statutes and determined current law requires amendment in order for courts and litigants to take advantage of the benefits of video appearances.

The Committee's report provides detailed explanations of the need for, and safeguards envisioned, under this amendment. As such, I will focus predominantly on the criminal case impact of the legislation before you today. As written, this legislation would permit any non-evidentiary hearing, to determine the merits of any motion, to be conducted with videoconferencing between the defendant and the defendant's counsel in the courtroom. This is not a mandate for video appearances, but allows for them as appropriate.

Some of the key benefits of videoconferencing for criminal cases are mentioned in the Committee's report:

- Reducing prisoner and patient transportation costs;
- Increased security; and
- Increased efficiency in legal proceedings.

Our Sheriff reports that over 300 inmates are transported each week to our courthouse. He also states that over 80% of the hearings are non-evidentiary. This means that in some instances, our Sheriff is bringing inmates to the courthouse for a scheduling conference or a routine procedural motion that a defendant can agree to while on video. This type of hearing takes

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little time and does not discuss evidence in the case. Today, the Sheriff has a labor-intensive task of transporting inmates to and from Gardner for court appearances. HB 2447 would allow the court to conduct these hearings remotely—with the defendant appearing from Olathe or Gardner.

The use of videoconferencing will not completely eliminate the costs associated with inmate transportation, but has the potential to reduce annual overtime expenditures by \$140,000. It is reported that some savings would be reduced in the short-term from the capital outlay to properly equip the Gardner facility with scalable videoconferencing equipment. There are also considerations for the long-term cost of staffing and maintaining the equipment. However, the long-term impact of the legislation shows a reduction in the total overtime budget for the Sheriff and the potential for reallocation of critical personnel resources.

This legislation increases security by allowing the court to reduce the number of inmates that are transported to and from jail for court appearances. Sadly, our current courthouse is only one of many Kansas courthouses that do not have adequate inmate circulation. Due to the architectural restraints on our courthouses, inmates are required to be walked down public hallways in order to appear in court. Our courts do not have inmate-only hallways to keep victims of domestic violence from having an abuser walk past them in the court hallway. There are instances where court security has to sweep an entire floor of a courthouse in order to safely bring an inmate into a courtroom. By approving HB 2447, you can have a direct impact on the security of all our district courthouses.

Another important result from this legislation will be the increased efficiency in legal proceedings. Due to current law, our court has one day per week that is dedicated to non-evidentiary hearings. On this day, our judges are required to have every criminal defendant charged with a felony, within the last week, come to the courthouse in person. This hearing may be called a second appearance, but is essentially a scheduling conference. Attorneys are not prepared to provide evidence or execute a plea. HB 2447 would allow the court to analyze our current second appearance practices and bring efficiency to the process.

Again, I thank you for your time and attention. I am available to answer your questions now and throughout the legislative process.

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