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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 16, 2021
Subject: Bill Brief for HB 2227

House Bill 2227, as amended by House Committee, allows the chief justice of the supreme court to suspend certain time limitations during a state of local disaster emergency, suspend certain verification requirements and authorize use of electronic audio-visual communication to expeditiously resolve cases, and extends the chief justice's authority to suspend time limitations during a disaster emergency until June 30, 2022.

The bill amends K.S.A. 20-172. Current law in subsection (a) allows the chief justice to issue an order to extend or suspend certain time limitations during a state of disaster emergency declared pursuant to K.S.A. 48-924. The bill gives the chief justice the same authority during a state of local disaster emergency pursuant to K.S.A. 48-932. It also allows the chief justice to issue an order to suspend the verification of an appeal required pursuant to K.S.A. 38-2273, part of the revised Kansas code for care of children, during these disaster emergencies.

Under current law in subsection (c), any order issued pursuant to subsection (a) may remain in effect for up to 150 days after the disaster emergency is terminated. The House Committee on Judiciary added a new subsection (d) to clarify what occurs when an order issued pursuant to subsection (a) terminates. For a deadline or time limitation that was extended or suspended because of such an order, on the date such order terminates, a person shall have the same number of days to comply with the deadline or time limitation as the person had when the deadline or time limitation was extended or suspended. For a deadline or time limitation that did not begin to run because of such an order, on the date such order terminates, a person shall have the full period provided by law to comply with the deadline or time limitation.

Current law in subsection (b) allows the chief justice to issue an order to authorize the use of two-way electronic audio-visual communication in any court proceeding when the chief justice determines such action is necessary to secure the health and safety of court users, staff and judicial

officers. The bill gives the chief justice the same authority when the chief justice determines such action is necessary to expeditiously resolved pending cases.

Finally, current law provides that this section of law will expire on March 31, 2021. The bill provides that subsections (a) and (c) will expire on June 30, 2022. Under the bill, subsection (b) will not expire.

If passed, the bill would become effective on publication in the Kansas register.