

Statutory Speedy Trial; Deadline Suspension; Reports; Prioritization of Cases for Trial; HB 2078

HB 2078 suspends the provisions of the speedy trial statute in the Kansas Code of Criminal Procedure until May 1, 2023, in all criminal cases and removes a provision in the statute authorizing the Chief Justice to issue an order to extend or suspend any deadlines or time limitations and requiring trials to be scheduled within 150 days of termination of such order.

Additionally, the bill adds a provision requiring trial courts to consider relevant factors when prioritizing cases for trial, including, but not limited to:

- The trial court's calendar;
- Relative prejudice to the defendant;
- The defendant's assertion of the right to speedy trial;
- The calendar of trial counsel;
- Availability of witnesses; and
- The relative safety of the proceedings to participants as a result of the response to the COVID-19 public health emergency in the judicial district.

The bill requires the Office of Judicial Administration to prepare and submit a report to the Senate Committee on Judiciary and the House Committee on Judiciary on or before January 17, 2022, and January 16, 2023, containing the following information disaggregated by judicial district:

- Number of pending criminal cases on January 1, 2022, and January 1, 2023, respectively;
- Number of criminal cases resolved during FY 2021 and FY 2022, respectively, and the method of disposition in each case;
- Number of jury trials conducted in criminal cases during FY 2021 and FY 2022, respectively; and
- Number of new criminal cases filed in FY 2021 and FY 2022, respectively.

The bill states the amendments made by the bill are procedural in nature and shall be construed and applied retroactively.

The bill takes effect upon publication in the *Kansas Register*.

[*Note:* This summary was updated after April 2, 2021, to correct the end date of the extension and to add the Office of Judicial Administration reporting requirements.]