

February 11, 2014

The Honorable Jeff King, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 341-E  
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 312 by Senate Committee on Judiciary

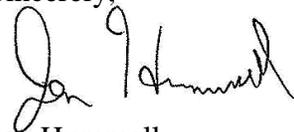
In accordance with KSA 75-3715a, the following fiscal note concerning SB 312 is respectfully submitted to your committee.

SB 312 would increase the statutory time frame for a speedy trial from 90 to 150 days after arraignment. The bill also contains a provision concerning automatic stay of appellate court mandates when the state files a *writ of certiorari* to the United States Supreme Court. In appeals from criminal actions and in other post-conviction actions arising from criminal prosecutions, the issuance of the mandate from the appellate court must be automatically stayed when, (1) the state files a notice with the appellate court that it intends to file a petition for *writ of certiorari* to the United States Supreme Court; and (2) the time has not expired for filing such petition under United States Supreme Court rules.

If the mandate from the appellate court has already been issued when the state files its notice, the mandate from the appellate court must be withdrawn and stayed. The stay must be lifted if the United States Supreme Court denies the petition or the time expires for filing such petition under United States Supreme Court rules.

The Office of Judicial Administration (OJA) indicates that SB 312 would not increase the expenditures of the Judicial Branch, but may alleviate some scheduling difficulties that arise as district courts struggle to meet a number of statutory time limitations and mandated expedited proceedings. The OJA also indicates that the bill could increase expenditures for local governments as criminal defendants who are not released on bond could remain in jail for longer periods of time. Any fiscal effect associated with SB 312 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,  
Interim Director of the Budget

cc: Mary Rinehart, Judiciary  
Melissa Wangemann, Association of Counties