

SESSION OF 2023

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE  
BILL NO. 2121**

As Recommended by House Committee on  
Judiciary

**Brief\***

Sub. for HB 2121 would amend law governing statutory speedy trial in the Kansas Code of Criminal Procedure.

The bill would suspend statutory speedy trial rights for defendants in all criminal cases until March 1, 2024. [*Note:* Current law suspends statutory speedy trial rights until May 1, 2023.]

The bill would specify that time between March 19, 2020, and March 1, 2024, would not be assessed against the State for any reason. The bill would also provide that any person arraigned before March 1, 2024, would be deemed to have been arraigned on that date for the application of statutory speed trial.

The bill would also make technical changes to ensure consistency in statutory phrasing.

The bill would be effective upon publication in the *Kansas Register*.

**Background**

The bill was introduced by the House Committee on Judiciary at the request of a representative of the Kansas County and District Attorneys Association (KCDAA).

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\*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>

### ***House Committee on Judiciary***

In the House Committee on Judiciary, the Johnson County District Attorney and the Sedgwick County District Attorney, both on behalf of KCDA, and a representative of the Office of the Attorney General testified as **proponents** of the bill. Proponents stated the extension of the statutory speedy trial provision is necessary to complete the work being done by courts across the state to eliminate the criminal trial backlog caused by the COVID-19 public health emergency. Written-only proponent testimony was provided by the Wyandotte County District Attorney.

A representative of the State Board of Indigents' Defense Services (BIDS) provided **opponent** testimony, stating the Legislature should protect the statutory right to a speedy trial by ensuring that speedy trials return to Kansas in a way that preserves the core function of the statute following the tolling of the statute during COVID-19 public health emergency.

The House Committee recommended a substitute bill be passed incorporating amendments to:

- Remove references to substantive changes to a defendant's right to a speedy trial;
- Add language to suspend provisions of the section until March 1, 2024, in all criminal cases; and
- Change the effective date.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration states enactment of the bill would have a fiscal effect on the operations of the Judicial Branch because the bill's provisions would require additional hearings in certain

cases, which would increase the time spent by judges and court employees processing and deciding these cases. The Office indicates a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

BIDS states because of several factors that could affect a client's case, the agency is unable to estimate a fiscal effect. However, the agency does note any additional exceptions to or extensions of the statutory speedy trial deadline are expected to increase the agency's assigned counsel costs because of the estimated additional time attorneys would be handling cases that may have otherwise been resolved more quickly under the previously existing version of the statute.

Any fiscal effect associated with the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Statutory speedy trial; criminal case; defendant; suspension