

**SENATE BILL No. 290**

By Committee on Judiciary

1-22

1 AN ACT concerning criminal procedure; relating to arraignment;  
2 amending K.S.A. 22-3205 and repealing the existing section.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 22-3205 is hereby amended to read as follows: 22-  
6 3205. (a) Arraignment shall be conducted in open court and shall consist of  
7 reading the complaint, information or indictment to the defendant or  
8 stating to the defendant the substance of the charge and calling upon the  
9 defendant to plead thereto. The defendant shall be given a copy of the  
10 indictment or information before the defendant is called upon to plead.  
11 Except as provided in subsection (b), if the crime charged is a felony, the  
12 defendant must be personally present for arraignment; if a misdemeanor,  
13 with the approval of the court, the defendant may appear by counsel. The  
14 court may direct any officer who has custody of the defendant to bring the  
15 defendant before the court to be arraigned.

16 (b) *In any judicial district in which two-way electronic audio-video*  
17 *communication is available, arraignment may shall be conducted by two-*  
18 *way electronic audio-video communication between the defendant and the*  
19 *judge in lieu of personal presence of the defendant or the defendant's*  
20 *counsel in the courtroom in the discretion of the court.* The defendant may  
21 be accompanied by the defendant's counsel during such arraignment. The  
22 defendant shall be informed of the defendant's right to be personally  
23 present in the courtroom during arraignment. Exercising the right to be  
24 present shall in no way prejudice the defendant.

25 (c) The court shall ensure that the defendant has been processed and  
26 fingerprinted pursuant to K.S.A. 21-2501 and 21-2501a, and amendments  
27 thereto.

28 Sec. 2. K.S.A. 22-3205 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after its  
30 publication in the statute book.