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MEMORANDUM

To: Senate Judiciary Committee
From: Natalie Scott, Assistant Revisor of Statutes
Date: March 7, 2018
Subject: Bill Brief on HB 2479

HB 2479 provides that when a district court has granted relief in a habeas corpus claim and the prosecution seeks an appeal, the underlying criminal case shall be automatically stayed and the time shall not be counted for the purposes of determining whether the defendant is entitled to discharge pursuant to K.S.A. 22-3402 until the mandate in the prosecution's appeal is issued. The court may release the prisoner on bond regardless of whether the prisoner has filed an appeal.

The stay may be lifted if the court finds the prisoner made a strong showing that the prisoner is entitled to relief and the prisoner will be irreparably injured if the stay is not lifted.

If the stay is lifted, the time shall not be counted for the purposes of determining whether the defendant is entitled to discharge pursuant to K.S.A. 22-3402 until the mandate in the prosecution's appeal is issued and the prisoner will be entitled to a new bond hearing in the underlying criminal case.