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Senate Judiciary

Senator Rick Wilborn, Chair

Testimony in Support of
HB 2447 Expansion of Audio-Visual Communication
Hon. Karen Arnold-Burger, Chief Judge of the Kansas Court of Appeals

May 18, 2020

Thank you for the opportunity to testify in support of HB 2447, which would expand the use of audio-visual communication in Kansas courtrooms.

In response to a recommendation by the Kansas Supreme Court Blue Ribbon Commission, the Supreme Court commissioned the Judicial Branch Videoconferencing Committee to study videoconferencing in the Kansas court system. The Videoconferencing Committee examined a number of benefits associated with the expanded use of audio-visual communication including:

- making better use of taxpayer resources;
- reducing the travel requirements for certain courtroom participants;
- saving prisoner and patient transportation costs;
- improving courthouse security;
- reducing the cost of health care to prisoners and patients through telemedicine;
- reducing logistical barriers to conducting meetings;
- providing access to additional training and educational opportunities; and
- increasing the efficiency of legal proceedings.

So the committee recommended expanding the use of videoconferencing and that it be utilized in select court proceedings whenever there is a recognizable benefit; whenever adequate equipment, procedural safeguards, and technology exist for its effective use; or whenever the participants involved have consented to its use.

HB 2447 would permit the use of videoconferencing in the following proceedings:

- In appearances before a municipal judge that occur prior to trial, pursuant to K.S.A. 12-4402, including a first appearing under K.S.A. 12-4213, and arraignment under K.S.A. 12-4404;
- In any non-evidentiary hearing conducted by a municipal or district court to determine the merits of a motion, unless good cause is shown why such AVC should not be utilized;
- In any bond hearing required by K.S.A. 22-2802, unless good cause is shown why AVC should not be utilized;
- In arraignment proceedings in district court at which the defendant stands mute or enters a not guilty plea, unless good cause is shown why AVC should not be utilized. A defendant who enters a no contest or guilty plea would still be required to be personally present in the courtroom; and
- In child in need of care proceedings in which a child must appear, the court could permit the child to appear by AVC.

The bill also changes current law that requires witness testimony be delivered in open court. Instead, it allows testimony by contemporaneous transmission from a different location whenever a party requests the use of AVC by written notice at least seven days prior to the scheduled proceeding.

Expanding the statutorily-permitted use of audio-visual communication in courts would create efficiencies and time and cost savings. I ask that you consider this bill favorably. Thank you again for the opportunity to testify in support of this bill. I am happy to answer questions.