



OPPOSING TESTIMONY on HB 2078 – Suspending statutory speedy trial rights until May 1, 2024, in all criminal cases filed prior to the effective date of this act and eliminating such rights in any criminal case filed on or after the effective date of this act.

Testimony of: Austin Spillar, Policy Associate, American Civil Liberties Union of Kansas

House Judiciary Committee – January 26, 2021 at 3:30 p.m.

Chairman Patton and Members of this Committee,

Thank you for the opportunity to present testimony. My name is Austin Spillar, and I am the Policy Associate of the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the constitutional liberties and rights of all Kansans. We oppose HB 2078.

First, this bill is an affront to the constitutional rights of all Kansans. The right to a speedy trial is in our state and federal constitutions. Suspending these constitutional rights until 2024 will only exacerbate the systemic inequalities and racism within the criminal legal system. We acknowledge the very real challenges faced by our courts and the criminal justice system during this pandemic. But stripping people of their constitutional rights is never the answer. In fact, our constitutional rights are even more important during seasons such as these.

Next, this bill will likely result in significant costs to residents and the state. The costs associated with electronic monitoring and supervision will explode. As a practical matter, innocent people will languish in jail because they are too poor to pay bail. People will lose their jobs and family budgets will be decimated by this approach.

People out on bail under a pre-trial supervision system will encounter disruptive and unnecessary bureaucracy to maintain compliance. This runs counter to other bills the state legislature is advancing this session to address criminal justice reform—and to the efforts of state commissions in the same vein.

Finally, this bill does not comport with the legislature's expressed desire to prioritize the continuation of essential government services during this pandemic. Courts have an obligation to minimize health risks to the public, which includes risks to persons charged with criminal offenses and imprisoned Kansans. This obligation includes maintaining provisions for release from custody. Officials must consider alternative means for people to access the courts, counsel, and government offices.

As a broader matter, it would be well within the purview of this Committee to introduce and hear bills to decriminalize certain nonviolent offenses and to eliminate potential jail or prison time for others. Doing so would alleviate the backlog caused by the pandemic, avoid infringing on people's constitutional rights, and save the state money and resources. This would also help to create a more just and equitable criminal justice system, in alignment with the goals of criminal justice reform efforts in the state.

I am happy to answer questions or be of additional help to this Committee. Thank you again for the opportunity to voice our opposition to HB 2078.