

HOUSE BILL No. 2742

By Committee on Judiciary

1-26

9 AN ACT concerning criminal procedure; relating to the issuance of war-
10 rants or summons; amending K.S.A. 22-2302 and repealing the existing
11 section.
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 22-2302 is hereby amended to read as follows: 22-
15 2302. (1) If the magistrate finds from the complaint, or from an affidavit
16 or affidavits filed with the complaint or from other evidence, that there
17 is probable cause to believe both that a crime has been committed and
18 that the defendant has committed it, a warrant for the arrest of the de-
19 fendant shall issue, except that a summons instead of a warrant may be
20 issued if: (a) The prosecuting attorney so requests; or (b) in the case of a
21 complaint alleging commission of a misdemeanor, the magistrate deter-
22 mines that a summons should be issued. More than one warrant or sum-
23 mons may issue on the same complaint. If a defendant fails to appear in
24 response to the summons, a warrant shall issue.

25 (2) Affidavits or sworn testimony in support of the probable cause
26 requirement of this section shall not be ~~made available for examination~~
27 ~~without a written order of the court, except that such affidavits or testi-~~
28 ~~mony when requested shall be made available to the defendant or the~~
29 ~~defendant's counsel for such disposition as either may desire. open to the~~
30 ~~public until the warrant or summons has been executed. After such exe-~~
31 ~~cution, the affidavits or sworn testimony shall be public court records~~
32 ~~following the exclusion of information that would:~~

33 (a) *Interfere with any prospective law enforcement action, criminal*
34 *investigation or prosecution;*

35 (b) *reveal the identity of any confidential source or undercover agent;*

36 (c) *reveal confidential investigative techniques or procedures not*
37 *known to the general public;*

38 (d) *endanger the life or physical safety of any person; or*

39 (e) *reveal the name, address, phone number or any other information*
40 *which specifically and individually identifies the victim of any sexual of-*
41 *fense in article 35 of chapter 21 of the Kansas Statutes Annotated, and*
42 *amendments thereto.*

43 Sec. 2. K.S.A. 22-2302 is hereby repealed.

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