

## HOUSE BILL No. 2204

By Committee on Judiciary

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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)~~ (a) If the magistrate finds from the complaint, or from an affi-  
16 davit or affidavits filed with the complaint or from other evidence, that  
17 there is probable cause to believe both that a crime has been committed  
18 and that the defendant has committed it, a warrant for the arrest of the  
19 defendant shall issue, except that a summons instead of a warrant may be  
20 issued if: ~~(a)~~ (1) The prosecuting attorney so requests; or ~~(b)~~ (2) in the  
21 case of a complaint alleging commission of a misdemeanor, the magistrate  
22 determines that a summons should be issued. More than one warrant or  
23 summons may issue on the same complaint. If a defendant fails to appear  
24 in response to the summons, a warrant shall issue.

25 ~~(2)~~ (b) 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 (1) *Interfere with any prospective law enforcement action, criminal*  
34 *investigation or prosecution;*  
35 (2) *reveal the identity of any confidential source or undercover agent;*  
36 (3) *reveal confidential investigative techniques or procedures not*  
37 *known to the general public;*  
38 (4) *endanger the life or physical safety of any person; or*  
39 (5) *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 K.S.A. 22-2302 is hereby repealed.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.