

SESSION OF 2003

SUPPLEMENTAL NOTE ON SENATE BILL NO. 206

As Amended by Senate Committee on
Judiciary

Brief*

SB 206 would require writs of habeas corpus under KSA 60-1507 to be filed within one year of final action by a Kansas appellate court or the denial of a petition for "writ of certiorari" to the United States Supreme Court. The time limitations could be extended by the court only to prevent a "manifest injustice." Under current law, these writs may be filed at any time.

Background

The bill was supported by the Geary County Attorney who also represented the Kansas County and District Attorneys' Association, an assistant district attorney from Johnson County, a public defender from the 8th Judicial District, and the mother of a murder victim. Proponents said prison inmates file numerous frivolous "1507" writs often years after their sentencing.

Representatives of the Kansas Bar Association opposed the bill.

Congress adopted a one-year deadline for filing habeas corpus actions by persons collaterally challenging federal convictions. See 28 USC 2255. This writ provides a mechanism for persons convicted of a crime to challenge the legality of the conviction or the sentence separate and apart from the criminal trial and appeal process.

The fiscal note states the fiscal effect is not known.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org/klrd>