

## MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: February 17, 2025

Subject: Bill Brief on SB 203

Senate Bill 203 authorizes a notice to appear to be issued for an unavailable witness or a material witness.

Section 1 amends K.S.A. 22-2805, the statute that allows a court to require a material witness to post bond. A new provision is added providing that if a person was personally served with a subpoena, the court may issue a notice to appear to answer to a charge of indirect contempt of court pursuant to K.S.A. 20-1204a. When the witness appears, the court may continue such charge for the duration of the proceeding and order the witness to comply with and condition that the court may impose to secure the presence of the witness.

Section 2 amends K.S.A. 60-459, the definitions that apply to the hearsay rule. Current law provides the situations where a witness is considered unavailable. This would add that a witness is considered unavailable if the witness has failed to appear as directed after service pursuant to K.S.A. 22-2805.