

SENATE BILL No. 358

By Committee on Judiciary

1-21

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to release of persons after conviction; requiring persons convicted of
3 certain felonies to be held without bond in the county jail until
4 sentencing; amending K.S.A. 22-2804 and repealing the existing
5 section.

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7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 22-2804 is hereby amended to read as follows: 22-
9 2804. (a) (1) *Except as provided in subsection (a)(2), a person who has*
10 *been convicted of a crime and is either awaiting sentence or has filed a*
11 *notice of appeal may be released by the district court under the conditions*
12 *provided in K.S.A. 22-2802, and amendments thereto, if the court or judge*
13 *finds that the conditions of release will reasonably assure that the person*
14 *will not flee or pose a danger to any other person or to the community.*

15 (2) *If the person has been convicted of any off-grid felony, any person*
16 *felony ranked in severity level 1, 2, 3 or 4 of the nondrug grid as provided*
17 *in K.S.A. 21-6804, and amendments thereto, or any felony ranked in*
18 *severity level 1 or 2 of the drug grid as provided in K.S.A. 21-6805, and*
19 *amendments thereto, the following shall apply:*

20 (A) *If such person was released on bond prior to trial, such bond*
21 *shall be revoked immediately and such person shall be remanded and held*
22 *without bond in the county jail until sentencing; and*

23 (B) *if such person was in custody without having posted bond prior to*
24 *trial, such person's bond shall be modified immediately so that such*
25 *person is held without bond and remains in the county jail until*
26 *sentencing.*

27 (b) A person who has been convicted of a crime and has filed a notice
28 of appeal to the supreme court or court of appeals shall make application
29 to be released to the court whose judgment is appealed from or to a judge
30 thereof. If an application to such court or judge has been made and denied
31 or action on the application did not afford the relief sought by the
32 applicant, the applicant may make an application for release to the
33 appellate court. An application to the appellate court or a justice or judge
34 thereof shall state the disposition of the application made by the district
35 court or judge. Any application made under this subsection shall be heard
36 after reasonable notice to the prosecuting attorney. Such notice shall be

1 given not less than one day prior to the hearing. Any appearance bond
2 ~~which~~ *that* may be required under this subsection shall be filed in the court
3 from which the appeal was taken.

4 (3)(c) A person who has been convicted of a crime before a district
5 magistrate judge may, upon taking an appeal to a district judge, apply to be
6 released as provided herein. If the application is made before the case has
7 been referred to the chief judge for assignment, the conditions of release
8 shall be determined by the district magistrate judge from whom the appeal
9 is taken. If the application is made thereafter, the chief judge or the district
10 judge to whom the case has been assigned shall determine the conditions
11 of release. Any appearance bond ~~which~~ *that* may be required under this
12 subsection shall be deposited in the court where it is fixed.

13 Sec. 2. K.S.A. 22-2804 is hereby repealed.

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