

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 149**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 149 would amend the law concerning criminal matters or postconviction cases in the Kansas Supreme Court or the Kansas Court of Appeals. The bill would require a copy of each brief to be served on the Kansas Attorney General and would prohibit briefs from being filed by or on behalf of the State or any officer or agent of the State unless the approval of the Attorney General or a member of the Attorney General's staff is endorsed on the brief.

**Background**

The bill was introduced at the request of the Office of the Attorney General. In the Senate Committee on Judiciary hearing, the Attorney General explained the bill would codify current Supreme Court Rule 6.10, which has been in effect since at least the 1970s. Recently, however, the Supreme Court indicated it would repeal the rule, effective September 1, in an effort to "clean up" court rules. The Attorney General stated the rule helps to avoid briefs from the State on both sides of an issue and allows the Office of the Attorney General to refer briefs back to counties for modification, if needed. No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

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\*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>

According to the fiscal note prepared by the Division of the Budget, the Office of the Attorney General indicates enactment of the bill would have no fiscal effect as it would codify current practice.