

HOUSE BILL No. 2316

By Representative Finney

2-13

1 AN ACT concerning municipal courts; relating to appearance bonds;
2 removing option for cash bonds; amending K.S.A. 12-4301 and 12-
3 4304 and repealing the existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 12-4301 is hereby amended to read as follows: 12-
7 4301. (a) A person having the right to post bond for appearance shall, in
8 order to do so, execute in writing a promise to appear at the municipal
9 court at a stated time and place. Such appearance bond shall be in an
10 amount as determined by the municipal judge. Unless the judge makes a
11 specific finding otherwise, every bond for a person charged with an
12 offense that would be a person offense pursuant to state law shall have a
13 condition of release prohibiting the person from having contact with the
14 alleged victim of such offense for a period of at least 72 hours. Such bond
15 may be secured by any one of the following methods, and when so
16 secured, such person shall be released from custody.

17 (b) The methods of securing the appearance of an accused person are
18 as follows:

19 ~~(a) Payment of cash, except that the municipal judge may permit~~
20 ~~negotiable securities or a personal check in lieu of cash.~~

21 ~~(b)(1)~~ (1) The execution of an appearance bond by a responsible
22 individual residing within the state of Kansas, as surety with the approval
23 of the municipal judge.

24 ~~(e)(2)~~ (2) A guaranteed arrest bond certificate issued by either a surety
25 company authorized to transact such business within the state of Kansas,
26 or an automobile club authorized to transact business in this state by the
27 commissioner of insurance, except that such "guaranteed arrest bond
28 certificate" must be signed by the person to whom it is issued and must
29 contain a printed statement that the surety guarantees the appearance of
30 such person and, in the event of failure of such person to appear in court at
31 the time of trial, will pay any fine or forfeiture imposed upon such person
32 not to exceed an amount to be stated on such certificate.

33 ~~(d)(c)~~ (1) In lieu of giving security in the manner provided by
34 ~~subsections (a), (b) and (c) above,~~ subsection (b) if the arrest is for the
35 violation of a city ordinance relating to the operation of a motor vehicle
36 the accused person may deposit with the arresting law enforcement officer

1 or the clerk of the municipal court a valid Kansas driver's license in
 2 exchange for a receipt therefor issued by the law enforcement officer or
 3 the clerk of the municipal court, the form of which shall be approved by
 4 the division of vehicles of the state department of revenue. Such receipt
 5 shall be recognized as a valid temporary Kansas driver's license
 6 authorizing the operation of a motor vehicle by the accused person to the
 7 date of the hearing stated on the receipt. Such driver's license and written
 8 copy of the notice to appear shall be delivered by the law enforcement
 9 officer to the municipal court as soon as reasonably possible. If the hearing
 10 on any such charge is continued for any reason, the municipal judge may
 11 note on the receipt the date to which such hearing has been continued, and
 12 such receipt shall be recognized as a valid temporary Kansas driver's
 13 license until such date, but in no event shall such receipt be recognized as
 14 a valid Kansas driver's license for a period longer than 30 days from the
 15 date for the original hearing. Any person who deposited a driver's license
 16 to secure such person's appearance, in lieu of giving a bond as provided in
 17 ~~subsections (a), (b) and (c) above~~ subsection (b), shall have such driver's
 18 license returned upon the giving of the required bond pursuant to ~~(a), (b)~~
 19 ~~and (c) above~~ subsection (b) or upon final determination of the charge.

20 (2) In the event the accused person deposits a valid Kansas driver's
 21 license with the municipal court and fails to appear in court on the date set
 22 for appearance, or any continuance thereof, and in any event within 30
 23 days from the date set for the original hearing, the municipal judge shall
 24 forward the driver's license of such person to the division of vehicles with
 25 an appropriate explanation attached thereto. Upon receipt of the driver's
 26 license of such person the division of vehicles shall suspend such person's
 27 privilege to operate a motor vehicle in this state until such person appears
 28 before the municipal court, or the municipal court makes a final
 29 disposition thereof, and notice of such disposition is given by the
 30 municipal court to the division, or for a period not exceeding six months
 31 from the date such person's driver's license is received by the division,
 32 whichever is earlier.

33 (3) Any person who applies for a replacement or new driver's license
 34 prior to the return of such person's original license, when such license has
 35 been deposited in lieu of the giving of a bond as provided in this section,
 36 shall be guilty of a misdemeanor punishable as set forth in K.S.A. 8-2116,
 37 and amendments thereto.

38 Sec. 2. K.S.A. 12-4304 is hereby amended to read as follows: 12-
 39 4304. An appearance bond shall be deemed sufficient if it states
 40 substantially as follows:

41 Appearance Bond. In the Municipal Court of _____, Kansas. The
 42 City of _____ vs. _____, the accused person, as
 43 principal, and _____, as surety, (where surety is used)

1 acknowledge ourselves to be indebted to the City of _____, Kansas,
2 in the sum of _____ Dollars, secured as required by law, upon
3 these conditions:

4 That ~~said~~ accused person shall personally appear before the Municipal
5 Court of _____, Kansas, on the ____ day of _____, 19 20__,
6 at _____ o'clock a.m. and, if an appeal is taken, shall appear in the
7 District Court of the county in which the city is located, and from time to
8 time as required by the court to answer to the complaint, according to ~~his~~
9 ~~or her~~ the person's promise to do so, which the accused person hereby
10 makes then this bond shall be void, otherwise it shall remain in force.

11 Dated this ____ day of _____, 19 20__.
12 _____ (Accused Person) _____ (Address)
13 _____ (Surety) (Where Applicable) _____
14 (Address)

15 ~~Receipt for cash surety~~
16 ~~Received from _____, accused person, _____~~
17 ~~Dollars cash security on above bond this ____ day of _____, 19__.~~
18 ~~_____ (Clerk of Municipal Court or Law Enforcement~~
19 ~~Officer)~~

20 OR
21 Receipt for guaranteed arrest bond certificate security
22 Received from _____ a guaranteed certificate issued by
23 _____, as security on above bond this ____ day of
24 _____, 19 20__.
25 _____ (Clerk of Municipal Court or Law Enforcement
26 Officer)

27 OR
28 Receipt for operator's license security
29 Received from _____, accused person, operator's license issued
30 by the state of _____, bearing number _____, issued to ~~said~~
31 the accused person, as security on above bond this ____ day of
32 _____, 19 20__.
33 _____ (Clerk of Municipal Court or Law Enforcement
34 Officer)

35 OR
36 Approval of surety
37 Surety approved this ____ day of _____, 19 20__.
38 _____ (Municipal Judge)

39 OR
40 Bond without surety
41 This bond approved without surety.
42 _____ (Municipal Judge or Law Enforcement Officer)

43 Sec. 3. K.S.A. 12-4301 and 12-4304 are hereby repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.