

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2227**

As Amended by House Committee on Judiciary

**Brief\***

HB 2227, as amended, would amend law governing orders issued by the Chief Justice to secure the health and safety of court users, staff, and judicial officers during a state of disaster emergency.

***State of Disaster Emergency Suspension Orders***

The bill would amend a statute that currently allows the Chief Justice, during a state of disaster emergency, to issue an order to extend or suspend statutory deadlines or time limitations when the Chief Justice determines such action is necessary to secure the health and safety of court users, staff, and judicial officers to also allow the Chief Justice to issue such orders during a state of local disaster emergency. Orders issued could remain in effect up to 150 days after the termination of the applicable state of disaster emergency or state of local disaster emergency.

The bill would also allow the Chief Justice to suspend appeals verification requirements contained in the Revised Kansas Code for the Care of Children if the above conditions are met.

***Operation of Deadlines or Time Limitations Upon Termination of Order***

The bill would provide that on the date an order issued under this statute terminates, for a deadline or a time

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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>

limitation that did not begin to run due to the order, a person would have the full period provided by law to comply with such deadline or time limitation.

The bill would provide that on the date an order issued under this statute terminates, for a deadline or time limitation that was extended or suspended due to the order, a person would have the same number of days to comply with the deadline or time limitation as the person had when the deadline or time limitation was extended or suspended.

### ***Audio-visual Communication***

The bill would amend the provision allowing the Chief Justice to issue an order to authorize the use of a two-way electronic audio-visual communication in any court proceeding after a determination that such action is necessary to secure the health and safety of court users, staff, and judicial officers, to also authorize such action when necessary to expeditiously resolve pending cases.

### ***Sunset Provision***

The bill would extend the sunset for the provisions relating to the Chief Justice's authority to issue orders to extend or suspend statutory deadlines, time limitations, or appeals verifications from March 31, 2021, to June 30, 2022.

The bill would be in effect upon publication in the *Kansas Register*.

### **Background**

The bill was introduced by the House Committee on Judiciary at the request of Representative Patton.

### ***House Committee on Judiciary***

In the House Committee hearing on February 9, 2021, representatives of the Kansas Bar Association and the Kansas Judicial Branch testified as **proponents** of the bill, stating the bill would provide the courts flexibility in responding to emergencies like the COVID-19 pandemic while maintaining safety in continuity of operations.

Written-only proponent testimony was submitted by representatives of the League of Kansas Municipalities. Written-only neutral testimony was submitted by representatives of the Kansas Association of Criminal Defense Lawyers. No other testimony was provided.

On February 23, 2021, the House Committee amended the bill to add a provision clarifying the operation of deadlines and time limitations upon termination of an order under the statute.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill could save funding on travel costs by using electronic audio-visual communication to conduct court proceedings remotely. Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

State of disaster emergency; extend deadlines; two-way electronic audio visual communication; courts