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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 7, 2023
Subject: Bill Brief for SB 72

Senate Bill 72 adds an exception to the hearsay rule to allow admission of statements made to a translator without the testimony of the translator.

The bill amends K.S.A. 60-460, the Kansas code of civil procedure statute concerning hearsay evidence that is part of the rules of evidence. The general rule is that evidence of a statement which is made other than by a witness while testifying at the hearing, offered to prove the truth of the matter stated, is hearsay evidence and inadmissible except as provided in this section. The bill adds a new exception as subsection (ff) for the language conduit rule, providing that a statement made by a party to a translator without the testimony of the translator is admissible unless the judge finds that the translator had a motive to mislead or distort the statement or that the translation was substantially inaccurate.