

**IN THE SUPREME COURT OF THE STATE OF KANSAS**

**FILED**

**Administrative Order**

**March 30, 2021**

2021-PR-020

**DOUGLAS T. SHIMA  
CLERK OF APPELLATE COURTS**

**Order Lifting Suspension of Most Statutory Deadlines and Time Limitations on  
April 15, 2021**

As the Chief Justice of the Kansas Supreme Court, I have issued multiple Administrative Orders under:

- 2020 House Substitute for Senate Bill 102, which became effective upon its publication in the Kansas Register on March 19, 2020 (39 Kan. Reg. 304), and
- the Legislature's amendments to K.S.A. 20-172 through 2020 Spec. Sess. House Bill 2016, § 24, which became effective upon its publication in the Kansas Register on June 9, 2020 (39 Kan. Reg. 755).

This legislation allows me to "issue an order to extend or suspend any deadlines or time limitations established by statute" during any state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, when I determine the order is necessary to secure the health and safety of court users, staff, and judicial officers.

Recently, through 2021 Senate Bill 40, § 5, the Legislature ratified and continued in existence the state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, as a result of the COVID-19 health emergency for all 105 counties of Kansas, from March 12, 2020, through May 28, 2021. 2021 Senate Bill 40 became effective upon its publication in the Kansas Register on March 25, 2021 (40 Kan. Reg. 369).

Additionally, through 2021 House Bill 2227, the Legislature again amended K.S.A. 20-172. Under this legislation, my authority to issue an order extending or suspending any deadlines or time limitations established by statute will expire on June 30, 2022. This legislation also dictates time computation when deadlines and time limitations resume. 2021 House Bill 2227 became effective upon its publication in the Kansas Register on March 30, 2021 (40 Kan. Reg. 381).

Again today, I act under the authority granted to me by K.S.A. 20-172, and amendments thereto. I do so in connection with the statewide state of disaster emergency as a result of the COVID-19 health emergency declared by the Governor under K.S.A. 48-924, and amendments thereto, and ratified and continued by the Legislature through

May 28, 2021, as stated in K.S.A. 48-924b, and amendments thereto. For the same reason I have entered previous orders suspending deadlines and time limitations, I take the following action to secure the health and safety of court users, staff, and judicial officers.

I order the following:

**All deadlines and time limitations remain suspended through April 14, 2021**

1. Administrative Orders 2021-PR-009, 2021-PR-001, 2020-PR-130, 2020-PR-113, 2020-PR-107, and 2020-PR-101 are incorporated herein by reference, reissued, and remain in effect under the state of disaster emergency ratified and continued by K.S.A. 48-924b, and amendments thereto, and as amended by this order. The suspensions of statutes of limitation, statutory time standards, deadlines, and time limitations—including those suspending the time to bring a defendant to trial established by K.S.A. 2020 Supp. 22-3402, and amendments thereto, and K.S.A. 12-4501—in each Administrative Order listed in the bulleted list in numbered paragraph 1 of Administrative Order 2020-PR-101 are continued through April 14, 2021.

**Most deadlines and time limitations resume April 15, 2021**

2. On April 15, 2021, except as stated in numbered paragraph 3:
  - Deadlines and time limitations (including statutes of limitation and statutory time standards) suspended under this order and my prior administrative orders resume.
  - The portions of this order and my prior administrative orders suspending deadlines and time limitations (including statutes of limitation and statutory time standards) are terminated for purposes of time calculation under 2021 House Bill 2227 §1(d).

**On April 15, 2021, certain deadlines and time limitations remain suspended**

3. On and after April 15, 2021, deadlines and time limitations (including statutes of limitation and statutory time standards) set out in the following statutes remain suspended:
  - K.S.A. 22-3402, and amendments thereto;
  - K.S.A. 22-4303, and amendments thereto;
  - K.S.A. 60-1501, and amendments thereto;
  - K.S.A. 60-1507, and amendments thereto; and
  - K.S.A. 61-3002(b), and amendments thereto.

This order does not impact rights under the United States and Kansas Constitutions.

This order also has no impact on the effect of 2021 House Bill 2078, which, if approved by the Governor, becomes effective when published in Kansas Register.

### **Exempting a case from suspension**

4. While a suspension of a statutory deadline or time limitation is in place under numbered paragraphs 1 or 3, numbered paragraphs 5 and 6 explain how a court may exempt a case from suspension. Numbered paragraphs 5 and 6 do not apply to the following:
  - a. Deadlines or time limitations under K.S.A. 22-3402, and amendments thereto; and
  - b. Statutes of limitation.
5. Any appellate justice or judge, judge of the district court, or hearing officer may exempt a case from the suspension of a statutory deadline or time limitation by:
  - a. Entering an order in a case or issuing a notice of hearing that imposes a deadline or time requirement; and
  - b. Specifically stating that the deadline or time requirement is not subject to the suspension of time in this order.
6. While a suspension of a statutory deadline or time limitation is in place, no action may be dismissed for lack of prosecution or for the failure to meet a statutory deadline, except when a court has:
  - a. Invoked the exception in numbered paragraph 5; and
  - b. Issued an order to show cause why the action should not be dismissed.

### **Rules governing time computation when deadlines and time limitations resume**

7. Time computation for all deadlines and time limitations (including statutes of limitation and statutory time standards) resuming on April 15, 2021, is governed by K.S.A. 20-172, as amended by 2021 House Bill 2227, and any further amendments thereto. Under 2021 House Bill 2227, §1(d):
  - "For a deadline or time limitation that was extended or suspended" because of an administrative order I issued, on April 15, 2021, "a person shall 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"; and

- "for a deadline or time limitation that did not begin to run" because of an administrative order I issued, on April 15, 2021, "a person shall have the full period provided by law to comply with the deadline or time limitation."

**Authorizations to use two-way telephonic and electronic audio-visual communication are not impacted by this order**

8. This order does not impact the portions of my Administrative Orders authorizing two-way telephonic and electronic audio-visual communication in court proceedings, including 2021-PR-021.

**Conflicts**

9. If a conflict exists between this order and previous administrative orders, this order controls.

**Order Duration**

10. This order will remain in effect until my further order or this order's expiration under the terms of K.S.A. 20-172, and amendments thereto.

Dated this 30th day of March 2021.



MARLA LUCKERT  
Chief Justice