

SENATE BILL No. 60

By Committee on Judiciary

1-26

1 AN ACT concerning criminal procedure; relating to appeals; amending
2 K.S.A. 22-3601 and repealing the existing section.

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

5 Section 1. K.S.A. 22-3601 is hereby amended to read as follows: 22-
6 3601. (a) Any appeal permitted to be taken from a *district court's* final
7 judgment ~~of a district court~~ in a criminal case shall be taken to the court
8 of appeals, except in those cases reviewable by law in the district court
9 ~~and those cases where a~~ *or in which a* direct appeal to the supreme court
10 is required. Whenever an interlocutory appeal is permitted in a criminal
11 case in the district court, such appeal shall be taken to the court of
12 appeals.

13 (b) Any appeal permitted to be taken from a *district court's* final
14 judgment ~~of a district court~~ in a criminal case shall be taken directly to
15 the supreme court in the following cases:

16 ~~(1) Any case in which the defendant has been convicted of a class A~~
17 ~~felony or in which a maximum sentence of life imprisonment has been~~
18 ~~imposed or for crimes committed on or after July 1, 1993, any case in~~
19 ~~which the defendant has been convicted of an off-grid crime; and~~

20 (2) (1) Any case in which a statute of this state or of the United
21 States has been held unconstitutional- ;

22 (2) *any case in which the defendant has been convicted of a class A*
23 *felony;*

24 (3) *any case in which a maximum sentence of life imprisonment has*
25 *been imposed, unless the maximum sentence has been imposed pursuant*
26 *to K.S.A. 21-4643, prior to its repeal, or section 267 of chapter 136 of the*
27 *2010 Session Laws of Kansas, and amendments thereto; and*

28 (4) *except as provided futher, any case in which the crime was*
29 *committed on or after July 1, 1993, and the defendant has been convicted*
30 *of an off-grid crime. The provisions of this paragaph shall not apply to*
31 *any case in which the off-grid crime was:*

32 (A) *Aggravated human trafficking, subsection (c)(2)(B) of section 61*
33 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
34 *thereto;*

35 (B) *rape, subsection (b)(2)(B) of section 67 of chapter 136 of the*
36 *2010 Session Laws of Kansas, and amendments thereto;*

1 (C) *aggravated criminal sodomy, subsection (c)(2)(B)(ii) of section*
2 *68 of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
3 *thereto;*

4 (D) *aggravated indecent liberties with a child, subsection (c)(2)(C)*
5 *(ii) of section 70 of chapter 136 of the 2010 Session Laws of Kansas, and*
6 *amendments thereto;*

7 (E) *sexual exploitation of a child, subsection (b)(2)(B) of section 74*
8 *of chapter 136 of the 2010 Session Laws of Kansas, and amendments*
9 *thereto;*

10 (F) *promoting prostitution, subsection (b)(4) of section 230 of*
11 *chapter 136 of the 2010 Session Laws of Kansas, and amendments*
12 *thereto; or*

13 (G) *an attempt, conspiracy or criminal solicitation, as defined in*
14 *section 33, 34 or 35 of chapter 136 of the 2010 Session Laws of Kansas,*
15 *and amendments thereto, of any such felony.*

16 Sec. 2. K.S.A. 22-3601 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.

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