

EIGHTEENTH JUDICIAL DISTRICT LOCAL COURT RULES

Criminal

Rule 300: DEFINITIONS AND DUTIES

The following terms shall apply to this section:

(a) “Presiding Judge” of the Criminal Department shall have general supervision of all matters arising under the Criminal Code and traffic statutes of the State of Kansas, including appeals from municipal courts. The Presiding Judge’s responsibilities include the following:

1. Supervise the assignment the work of the Criminal Department to the Criminal Judges
2. Resolve disputes between Criminal Judges, including docketing conflicts
3. Maintain a regular criminal docket

(b). “Trial Judge” means the District Judge assigned to a case that is responsible for maintaining a regular criminal docket. The “Trial Judge” is responsible for all aspects of that case unless the case is assigned to the “Preliminary Hearing Docket.”

(c). “CAD” is a designated docket assigned to each Trial Judge where cases are placed after 1st Appearance or after completion on the Preliminary Hearing Docket.

(d). “Track 1 case” means all sex or homicide cases, all non-drug SL1-SL4, off-grids, or other cases designated as track 1 by the Trial Judge.

“Track 2 case” means all SL5-SL10 non-drug grid offenses (other than sex or homicide cases), all drug grid offenses, non-grids, and misdemeanors, or other cases designated as track 2 by the Trial Judge.

(e). “Prime” designates a case that is 1st up and ready for trial in a particular court. “Alternate” designates cases that are set for jury trial and could be called at any time during the scheduled week, but is not currently 1st up.

Rule 301 ASSIGNMENT OF CASES

(a) When a case is filed, the clerks will designate one of the Criminal Judges as the Trial Judge of the case.

1. If a defendant has been assigned to one of the Criminal Judges in a previous case or if a criminal complaint is dismissed prior to final disposition and is subsequently refiled, that same Criminal Judge will be the Trial Judge in the new case.
2. If a defendant has been assigned to more than one Criminal Judge, the first-in-time Criminal Judge will be the Trial Judge of the new case, and of all the prior cases.
3. If the defendant has not been assigned a Criminal Judge in a previous case, the clerks will randomly assign a Criminal Judge.
4. When co-defendant cases are filed, all co-defendants shall be assigned to the same judge who

has the oldest prior case number among the co-defendants. All previous and subsequent cases, other than the co-defendant case, stay with the previously assigned judge.

5. The First Appearance Judge will make any necessary changes to ensure the correct judge is assigned.

(b) For cases that are assigned to the "Preliminary Hearing Docket," the case will be assigned to the Preliminary Hearing Docket after First Appearance. All other cases will be directly assigned to the Trial Judge for all further proceedings.

(c) After a case is assigned to a Trial Judge, the Trial Judge has sole authority to schedule all other hearings for that case. An attorney that needs a hearing date shall contact the Trial Judge's aide for an available hearing date. If a Trial Judge or Trial Judge's aide sends scheduling emails to an attorney, the attorney must respond.

(d) Any case, at any time, may be transferred between divisions by agreement of the assigned judges.

Rule 302: PRELIMINARY HEARING DOCKET AND CAD

(a) The following types of cases will be directly assigned to the Trial Judge:

1. Defense immunity
2. Capital Murder
3. Defendant is already on probation in another case
4. At the discretion of 1st Appearance Judge
5. At discretion of Preliminary Hearing Judge, with or without a motion by a party

(b) Each side is allowed one continuance on the Preliminary Hearing Docket. The total time on the Preliminary Hearing Docket should not exceed 12 weeks.

(c) After a preliminary hearing is held or waived on the Preliminary Hearing Docket, the Preliminary Hearing Judge will set the case for arraignment on the Trial Judge's designated CAD/Arraignment docket.

(d) The Preliminary Hearing Judge may hear preliminary hearings, waivers, bond motions, and plea hearings.

Rule 303: COMPENSATED SURETY RULES AND PROCEDURES - As Amended 09/27/2024

A. Authorization to Issue Appearance Bonds. Except as otherwise provided by law, no compensated surety shall be authorized to act as a surety in this Court until having fully complied with Kansas law, including K.S.A. 22-2806 through 22-2809b, and the rules of this Court, including this Local Rule relating to the justification and approval of sureties, and the issuance of appearance bonds. Persons who are not a compensated surety may act as sureties in this Court on a case by case basis without complying with section C if a judge of this Court approves.

B. Definitions. As used in this Rule, the terms shall have the following meanings:

“Appearance bond” means a bond certificate issued by a surety which guarantees the appearance of a defendant in the Eighteenth Judicial District at the time specified on the bond and at all subsequent court appearances. In the event of failure to appear at any time specified by the Court, the surety guarantees payment of the amount on the bond.

“Appearance bond premium” means the fee collected by a compensated surety (or one of its bail agents) for posting an appearance bond.

“Applicant” means any person applying for approval or having been approved to issue appearance bonds under this rule, or any previous version of this rule, as a compensated surety.

“Bail Agent” means a person authorized by a compensated surety to execute surety bail bonds on such surety’s behalf. In the 18th judicial district Bail Agents shall have the same continuing education requirements as Compensated Sureties.

“Bail Enforcement Agent” means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement, commonly referred to as a bounty hunter.

“Bond related work,” as used in 2024 K.S.A. 22-2809b or elsewhere in these rules, means:

1) Engaging in the process of bonding someone out of or returning someone to custody (i.e. signing or filling out paperwork in the jail, attaching or removing EMD equipment as part of a release from or return to jail, or any other actions within the jail attendant to bonding someone out or returning someone to custody);

2) Personally handling matters in court on bond matters (i.e. signing or filling out paperwork to be filed with the Court, making any statements in Court upon which reliance is needed by others to approve, effectuate, modify, or rescind a bond, or appearing to inform responses to motions for forfeiture on bond); or

3) Apprehension of a fugitive.

“Chief Judge” means the Chief Judge of the Eighteenth Judicial District or other Judge of the District Court designated by the Chief Judge of the Eighteenth Judicial District to act on his or her behalf. The Chief Judge may also designate the Clerk of the District Court or the District Court Administrator to perform clerical or administrative duties outlined in this Rule.

“Compensated Surety” means any person who or entity that is organized under the laws of the state of Kansas that, as surety, issues appearance bonds for compensation, is responsible for any forfeiture and is liable for appearance bonds written by such person’s or entity’s authorized agents. A compensated surety is either an insurance agent surety, a property surety, or a bail agent.

“Insurance Company” means any company authorized by the Kansas State Insurance Commissioner to write surety bonds or Appearance Bonds. “Insurance Agent Surety” means a compensated surety licensed by the insurance commissioner to issue surety bonds or appearance bonds in this state and who represents an authorized insurance company. An insurance agent surety may have other insurance agent sureties working with or for such surety.

“Insurance Department” means the Kansas Insurance Department.

“Property Surety” means a compensated surety who secures appearance bonds by property pledged as security. A property surety may be a person or entity, and may authorize bail agents to act on behalf of the property surety in writing appearance bonds. In the 18th Judicial District the only property that can be pledged to secure appearance bonds is a valid, current and enforceable irrevocable two year Letter of Credit starting July 1st in the year of the application in an amount not less than one hundred thousand dollars (\$100,000) issued to the District Court, Eighteenth Judicial District, by a state or national banking institution authorized to and doing business in the State of Kansas, guaranteeing payment of any forfeited appearance bonds posted by the Property Surety or his/her Bail Agent(s) on which judgment has been granted. Any supplemental Letter of Credit shall meet all requirements of this Rule and shall not expire until the next June 30th. All such letters of credit must be reviewed by the District Attorney and approved by the Chief Judge. Letters of Credit shall be retained by the Clerk of the District Court, following approval of the application. No other property is acceptable to be pledged from a property surety.

“Surety” means a person or compensated surety, other than a defendant in a criminal proceeding, that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond.

“Unsatisfied Appearance Bond Forfeitures” shall mean appearance bonds, which after thirty (30) days from the granting of judgment on the motion for the same have not been paid into the court or the defendant has not been recommitted into custody by the surety or his or her bail agent.

C. Criteria for Authorization to Act as Compensated Surety in the Eighteenth Judicial District.

Every compensated surety shall submit an application to the chief judge of the judicial district, or the chief judge's designee, in each judicial district where such surety seeks to act as a surety.

A compensated surety shall not act as a surety in such judicial district prior to approval of such application. The application must be filed with the Clerk of the District Court of the 18th Judicial District.

1. The application shall include the following information for each insurance agent surety, property surety or bail agent:

A. A copy of the applicant's valid Kansas driver's license or nondriver's identification card;

B. A statement, made under penalty of perjury, that the applicant is a resident of this state and is not prohibited by K.S.A. 22-2809a(c), and amendments thereto, from acting as a surety;

C. A certificate of continuing education compliance in accordance with Kansas law;

D. An attestation the applicant:

i. has never been convicted of a felony in Kansas or any other jurisdiction nor has any such charges pending,

ii. has not in the preceding ten (10) years been convicted of any misdemeanor involving violence, dishonesty, deceit or moral turpitude, including violations of protective orders or Chapter 55 offenses (or comparable statutes/ordinances in other jurisdictions), nor has any such charges pending,

iii. is qualified to act as a surety or bail agent under Kansas law, and

iv. has read this rule and the Kansas statutes governing appearance bonds in their entirety and agrees to comply with any applicable rules or laws.

E. A signed release from the applicant allowing the Court, or its designee, to conduct a state and national criminal history records investigation on the applicant, consistent with K.S.A. 22-2809b(b)(4). Applicants shall present themselves to the Sedgwick County Sheriff's Office to provide fingerprints for submission to the Kansas Bureau of Investigation and pay any fees associated with this process.

F. A completed application, including the Authorization for Release of Records, a copy of a valid driver's license or photo ID, and a statement of the maximum monetary limit authorized on any individual appearance bond.

G. In addition to the other requirements of this section, bonding agents seeking to transfer from one surety to another must provide a report to the Court of all their pending appearance bonds to document which bonds will remain with the current surety and which bonds, if any, to

which the proposed new surety will be obligated. This report must also be reviewed and confirmed by the current and prospective sureties prior to its submission to the Court.

H. Any other information as may be requested by the Chief Judge regarding the applicant concerning his/her ability or qualifications to issue appearance bonds.

2. The application for each insurance agent surety also shall include:

A. A copy of the qualifying power of attorney certificates issued to such surety by any insurance company;

B. a current and valid certificate of license from the insurance department; and

C. a current and valid certificate of authority from the insurance department.

3. The application for each property surety also shall include:

A. A list of all bail agents authorized by such property surety to write appearance bonds on such property surety's behalf and all documentation from such bail agents demonstrating compliance with this rule.

B. An affidavit describing the property by which such property surety proposes to justify its obligations and the encumbrances thereon, and all such surety's other liabilities. The description shall include a valuation of the property described therein. If the valuation is not readily evident, an appraisal of the property may be required and, if required, shall be incorporated into the affidavit.

C. Any letter(s) of credit the surety proposed to use as security for appearance bonds. A property surety shall immediately report any expiration, renewal, cancellation, suspension, or revocation of the same to the Clerk of the Court.

4. A property surety authorized to act as a surety in the 18th Judicial District shall be allowed outstanding appearance bonds not to exceed an aggregate amount which is 15 times the valuation of the property pledged by the property surety. Such property surety shall not write any single appearance bond that exceeds 35% of the total valuation of the property pledged by the property surety.

D. Disqualification (new applications, renewals, and transfers of surety).

Applicants (including renewal and surety transfer applications) shall not be approved to issue appearance bonds if:

1. The applicant or any authorized agent thereto has been convicted of any felony or within the preceding 10 years has been convicted of any misdemeanor involving violence, dishonesty, deceit or moral turpitude, including violations of protective orders or Chapter 55 offenses (or comparable statutes/ordinances in other jurisdictions), or has any such charges pending.

2. The applicant is not a citizen of the United States.

3. The applicant does not have valid, federal or state photo identification.
4. The applicant has failed to meet financial responsibilities to this or any other Court; or has any pending matters before the Court in which the applicant or any authorized agent has failed to appear as directed. This may be evidenced by a failure to pay a judgment on a bond forfeiture or by any other legal action to collect past due amounts or other commonly accepted indications.
5. The appearance bonds outstanding by a Property Surety and/or his or her Bail Agents exceed an aggregate amount which is fifteen (15) times the amount of the letter(s) of credit issued to the Court.
6. The applicant or authorized agent thereto has provided a false statement in any information submitted to the Court.
7. The applicant has outstanding warrant(s) issued for his or her arrest.
8. The applicant allows an unauthorized person to write an appearance bond(s).
9. A bonding agent seeking to transfer from one surety to another fails to fully and accurately account for all pending appearance bonds in report to the Court.
10. Good cause exists for the Chief Judge to determine that it is not in the best interest of the Court and/or the community to permit the applicant to write appearance bonds in the Eighteenth Judicial District.

E. Suspension or Termination of Bonding Privileges.

1. Bonding privileges shall be subject to suspension or termination if:

a) a Compensated Surety or Authorized Agent fails to comply with the requirements of K.S.A. 22-2809b(d) to:

(i) charge the minimum 10% premium fee,

(ii) only post bond after receipt of ½ of the required minimum appearance bond premium, and

(iii) enter into a payment financing agreement for any unpaid minimum appearance bond premium amount within a reasonable period of time. Failure to fully collect any unpaid minimum appearance bond premium amount on a bond of \$100,000 or less within 12 months shall be presumptively unreasonable.

b) Any violation reason set forth in K.S.A. 22-2809b(f)(2)(A).

c) An Insurance Agent allows an appearance bond to be submitted to the Court which does not contain an individual, numbered, power of attorney properly executed, or which exceeds his/her certificate of authority.

d) The appearance bonds outstanding by a Property Surety or his or her Authorized Bail Agents exceed an aggregate amount which is fifteen (15) times the amount of the letter(s) of credit issued to the Court.

e) A Property Surety fails to immediately report to the Clerk of the Court any expiration, renewal, cancellation, suspension, or revocation of letters of credit previously reported as security for its bond obligations.

f) The surety or any authorized agent employs a Bail Enforcement Agent who is not qualified to act as such under the provisions of K.S.A. 22-2809a.

g) The authorized agent has outstanding warrant(s) issued for his or her arrest for any crime, is charged with any felony, or is charged with any misdemeanor involving violence, dishonesty, deceit or moral turpitude, including violations of protective orders or Chapter 55 offenses (or comparable statutes/ordinances in other jurisdictions). [The term of any suspension under this subsection shall be at least as long as the warrant or relevant case is pending disposition and may result in indefinite suspension or termination of bonding privileges at the discretion of the Chief Judge, based on the circumstances of the warrant/case.]

h) The authorized agent failed to timely file a renewal application by June 1.

i) The authorized agent allows an unauthorized person to write an appearance bond(s).

j) The authorized agent has provided a false statement in any information submitted to the Court.

k) The authorized agent allows or attributes monies collected from an individual to be applied to satisfy bonds on more than one case, as cases are identified by law enforcement case number or related court case number.

l) Good cause exists for the Chief Judge to determine that it is not in the best interest of the Court and/or the community to permit the surety or authorized agent to write appearance bonds in the Eighteenth Judicial District.

2. Written notice of suspension or termination of bonding privileges, except for a suspension due to failure to pay a judgment within 30 days of it being granted, shall be given to the surety or bail agent. Such notice of suspension or termination shall state the reason for the suspension or termination and be mailed by regular mail to the address on file with the Court as provided in the most current application. Any suspension or termination under this Rule shall be effective upon signature of the written notice by the Chief Judge.

3. If the suspension or termination is for failure to pay a judgment within 30 days of it being granted, the suspension shall be effective on the 31st day following judgment without any further action or notice by the Court. The surety may request a hearing before the Chief Judge within 14 days of the date of suspension or termination or the notice of suspension or termination. If such request is made, the suspension or termination of bonding privileges may be stayed by the Chief Judge pending such hearing which shall be held within 14 days of the request for hearing.

4. If a compensated surety's bonding privileges are suspended or terminated for violations of subsections E.1(c), (d), or (e) of this rule, any fellow compensated suret(ies) or bail agents authorized to write appearance bonds secured by the suspended/terminated surety's insurance policy or property shall also have their bonding privileges suspended, unless or until he or she secures or forms a new surety authorized to work as compensated sureties or bail agents in the 18th Judicial District.

F. Persons Authorized to Write Appearance Bonds in the 18th Judicial District.

1. As part of the approval process, the applicant shall submit the name(s) and requested information for all proposed Bail Agents of the applicant. Only those persons so approved are authorized to act as Bail Agents to write appearance bonds under that applicant. If, following approval, the applicant wants to add additional Bail Agents, the applicant must complete and submit a supplemental application that meets the requirements of this Rule to the Chief Judge and file it with the Clerk of the District Court. The bail agent will not be allowed to write appearance bonds unless and until approved to do so by the Chief Judge or designee.

2. In addition, when Bail Agents are no longer authorized to write bonds or are no longer employed by the Surety, the surety shall notify the Chief Judge, in writing, within three (3) business days, that said person is no longer authorized by the surety to write appearance bonds, or serve as their bail agent and the notice shall be filed with the Clerk of the District Court. The Surety will remain responsible for any appearance bonds written by the Bail Agent until the notice required is received by the Chief Judge.

3. The Sheriff of Sedgwick County shall provide all approved Compensated Sureties equality in exposure. The Chief Judge shall periodically furnish the Clerk of the District Court and the Sheriff a list of approved Compensated Sureties.

4. Nothing in this Rule shall negate K.S.A. 22-2806 which provides that an appearance bond may be approved and accepted by the Sheriff of Sedgwick County, according to law.

G. Bonds Posted Outside of the 18th Judicial District

1. Bail agents authorized to post appearance bonds in any district court outside the 18th Judicial District that do not appear on the list of authorized agents for this district may post an appearance bond on an 18th Judicial District Court case, subject to the following:

a. The bail agent posts bonds for less than four (4) individuals during an annual bonding privileges period;

b. The bail agent timely completes and returns the "Affidavit of Compensated Surety/Bail Agent for Appearance Bond" form for each bond written;

c. The bail agent is authorized and in good standing in the jurisdiction where the appearance bond is posted; and

d. The bail agent is not currently suspended or disqualified from writing bonds in this district.

2. A bail agent who posts appearance bonds for four (4) or more individuals in an annual bonding privileges period is deemed to be operating as a bail agent for the 18th Judicial District, and within 45 business days shall submit an application for authorization as detailed under this Rule.

3. A bail agent who fails to comply with the provisions of this section shall be subject to suspension of authorization to post appearance bonds on 18th Judicial District Court cases, return of the bonded defendant to custody, and reporting to the Chief Judge in the district where the appearance bond was posted.

4. Bail agents writing bonds outside of Sedgwick County who do not appear on the list of authorized bail agents for the 18th Judicial District will be sent the “Affidavit of Compensated Surety/Bail Agent for Appearance Bond” form to be completed for each bond written. Such form may also be found on the District Court’s website.

5. Appearance bonds written outside Sedgwick County by agents authorized to write bonds in the 18th Judicial District Court are required to appear in first appearance court as if the bond was written inside Sedgwick County.

H. Failure to Appear.

1. An appearance bond issued by a Compensated Surety authorized to transact business in the State of Kansas and in the Eighteenth Judicial District guarantees the appearance of such person in Court at the time specified on the appearance bond and at all subsequent court appearances unless and until the Compensated Surety is released on the appearance bond.

2. If an appearance bond is posted on a charge for which a disposition has not yet been entered, the appearance bond remains in effect until such time as the defendant answers the complaint and sentence or disposition is entered thereon. This would not include future court appearances for review of compliance with court orders. However, if the appearance bond is posted for a nonappearance on a post-conviction or post-diversion matter, the appearance bond remains in effect until final disposition of the matter for which the appearance bond was posted. Upon failure of the defendant to appear as ordered, the judge shall declare the appearance bond forfeited. The court may set aside the forfeiture upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. If the forfeiture is not set aside, the Court shall request the District Attorney to prepare a Journal Entry of Bond Forfeiture of the appearance bond and file a Motion for Judgment on said bond forfeiture to be set for hearing not less than 60 days following the filing of the Motion for Judgment. It is the responsibility of the Surety to be aware of the defendant’s required court appearances on the Court’s calendar, and to see to it that the defendant appears as ordered. The Surety’s liability on the appearance bond is not conditioned upon any notice by the Court, District Attorney or any other person or entity of the defendant’s failure to appear.

I. Failure to Produce the Defendant or the Forfeited Funds. If the defendant is not surrendered or the appearance bond forfeiture paid by the end of the Court's business day on the 30th day following judgment, the Surety's bonding privileges will be suspended at that time. If the Surety is a Property Surety and he/she or one or more of his/her Bail Agents is suspended for non-payment of a judgment, the Property Surety and all of his/her Bail Agents will be suspended. Notification of the suspension of bonding privileges shall be made in writing to the Property Surety and his/her Bail Agents. The letter will be sent by regular mail to the address on file with the Court. Failure to send or receive the letter does not negate the suspension of bonding privileges under this paragraph.

J. Reinstatement of Bonding Privileges.

1. Nonpayment of a judgment. If suspended for nonpayment of a judgment, the Surety must pay all judgments for unsatisfied appearance bond forfeitures before consideration will be given for reinstatement of bonding privileges. Once payment in full is made, the following schedule will be followed:

For the first suspension within a one (1) year period, the Surety's privileges will be suspended for a period not to exceed thirty (30) days after payment. For a second or subsequent suspension within a one (1) year period, the Surety's privileges will be suspended for ninety (90) days after payment.

2. Exceeding Total Amount of Bonding Privileges. If the total aggregate amount of outstanding bonds of a bondsman and his or her agents ever exceeds the total amount permitted under this rule the Chief Judge or designee without notice may immediately suspend the bonding privileges of that surety and agents. The property surety and bail agents shall not qualify for reinstatement of bonding privileges and reinstatement shall not be considered until the total aggregate amount of outstanding bonds of that property surety and bail agents do not exceed 75% of the total bonding authority allowed under this rule. Upon a second violation of this subsection within a 12 month period, the bonding privileges shall not be reinstated until at least three (3) months have passed since the property surety qualifies for reinstatement. Upon a third or more violation of this subsection within a 12 month period, the bonding privileges shall not be reinstated until at least 12 months have passed since the property surety qualifies for reinstatement.

3. In order to qualify for reinstatement the property surety and bail agents(s) while suspended shall continue to meet all obligations under this Rule.

4. Nothing in this Rule or section obligates the Chief Judge to reinstate a suspended or terminated bail agent as soon as he or she may be eligible for reinstatement, nor does it prevent or prohibit the Chief Judge from imposing any other requirements upon a property surety before privileges are reinstated. Nothing in this rule prevents or prohibits the Chief Judge from permanently terminating a property surety's or bail agent's bonding privileges.

K. Refunds. If the judgment on the appearance bond forfeiture is paid on time, and the defendant is later surrendered by the Surety, upon request, a partial refund may be allowed as indicated below:

- 1--30 days after payment 75% refund
- 31--60 days after payment 50% refund
- 61--90 days after payment 25% refund

Said request for refunds must be made in writing and filed with the Clerk of the District Court with a copy served upon the District Attorney's Office.

No refunds will be given for surrenders that occur in excess of 90 days after payment unless specifically ordered by the Chief Judge after the filing of a proper motion. No refunds will be given unless the defendant is surrendered by the Surety or Agent of the Surety to the Sedgwick County Adult Detention Facility. If the defendant is arrested by law enforcement personnel within ninety (90) days of forfeiture, without the assistance of the Surety or Agent of the Surety, no refunds will be provided.

L. Surrender. For purposes of consideration of a refund, a defendant is considered surrendered to the Court when he or she is surrendered to the Sedgwick County Adult Detention Facility. A defendant is not considered surrendered to the Court if the defendant is incarcerated in another county or another State. Upon timely surrender, the Surety will be released from all further liability on the appearance bond.

The Surety, pursuant to K.S.A. 22-2807(3), may provide to the court, prior to judgment on the appearance bond forfeiture, a written statement, signed under penalty of perjury, setting forth the details of the incarceration of the defendant in some location within the United States. Upon receipt of such statement, the Court shall set aside the forfeiture and upon the defendant's return to the Court's jurisdiction, the Surety may be ordered to pay the costs of the return.

M. Report of Appearance Bonds

The Clerk of the District Court shall maintain and publish a list of all appearance bonds pending in the 18th Judicial District, including the bonding agent or surety responsible for the same. The report shall also include a list of appearance bond forfeitures that have been declared on cases in the 18th Judicial District where there are appearance bonds written by the Surety, any judgments granted in those cases, and the payment due date of said judgments. Failure by the Clerk of the District Court to post or update said report shall not negate the surety or bail agent's duty to comply with any provisions of this local rule.

N. Application of Rule to Compensated Sureties Already Approved to Write Appearance Bonds in the Eighteenth Judicial District; Continuation of Bonding Privileges; Time Period for Bonding Privileges. Any Compensated Surety currently approved to write appearance bonds in the Eighteenth Judicial District shall be required to comply with this rule as of September 1, 2024. The annual bonding privileges period shall be from July 1 through June 30 of the following year. In order to retain bonding privileges, a Compensated Surety must submit an application, pursuant to this order, no later than June 1 of each year to remain in good standing for the next twelve (12) month bonding period [July 1 to June 30]. Upon approval of an application the bonding privileges will be granted and will remain valid for the approved bonding period, at which time it will expire unless renewed.

A compensated surety may not submit a new application under this Rule while the compensated surety's bonding privileges are suspended or revoked.

A compensated surety may withdraw from writing bonds prior to expiration of the bonding authority granted under this rule. Any withdrawal from writing bonds prior to the expiration of the bonding authority granted under this rule is not effective until made in writing to the Chief Judge and filed with the Clerk of the District Court, and it shall not result in the early termination or withdrawal of any letter(s) of credit submitted in support of the application(s) submitted under this rule.

A compensated surety's obligations under this Rule shall continue even though the compensated surety's privileges have been suspended, revoked or withdrawn.

O. Forms

The Chief Judge or his designee shall promulgate such forms as necessary to document and assure compliance with this rule. Current forms may be found on the Court's website.

P. Ability to Sue. Nothing contained herein shall in any way limit the Court's ability to proceed with any and all proper civil remedies against any surety, insurance company, bail agent, or banking institution to collect on an appearance bond if payment is not forthcoming upon demand and for the Court to authorize all needed actions to engage in collection efforts, including the engagement of counsel and others to enforce and collect bond judgments.

Adopted effective February 14, 2013; Amended effective January 16, 2015; July 16, 2016, March 29, 2019, September 27, 2024

Eighteenth Judicial District Court Rules, Rule 303, KS R 18 Dist Rule 303

Current with amendments received through September 27, 2024

Rule 304: ACKNOWLEDGMENT OF RIGHTS AND ENTRY OF PLEA

All felony pleas of guilty or nolo contendere shall be accompanied by a fully executed "Defendant's Acknowledgment of Rights and Entry of Plea" form. The form approved by the judges of the 18th Judicial District, as well as subsequent changes, will be published on the dc18.org/forms website. This form is intended to supplement not replace or be a substitute for any of the requirements of K.S.A. 22-3210. Use of any other form must substantially conform with the material in the published form from the website.

At the discretion of the judge taking the plea, a defendant may be required to take an oath as part of the plea process.

Rule 305: JURY TRIAL SCHEDULING

(a) The Trial Judge will schedule all jury trials on that Trial Judge's docket. The Court Program Analyst will maintain a master list of all criminal jury trials scheduled in the district.

(1) An initial jury trial date may be scheduled no sooner than 6 weeks from the scheduling date.

(2) Continued jury trials or trials with speedy trial issues may be scheduled sooner than six weeks but should not take priority over another trial scheduled 6 weeks in advance.

(b) When an attorney has conflicting jury trials set in more than one court, the attorney is responsible for notifying the judges and must request that the judges resolve the conflict. Notwithstanding the attorney's responsibility, the judges may proactively resolve the conflicts on their own. The attorneys may express a preference on which case should take priority. The interested judges will confer and select the case that will go to trial using factors that include, but are not limited to 1) the age of the case 2) the severity level of the offense(s) 3) the custody status of the defendant, 4) speedy trial issues, 5) attorneys' other dockets, and 6) special factors (e.g. out-of-state witnesses, etc.). If the judges cannot agree upon a resolution, the Criminal Presiding Judge will decide.

(c) When the prime case is established, the attorney's conflicts will be managed as follows:

(1) For track 1 cases, the other court(s)' alternate cases shall be continued no later than one week before the scheduled trial date unless all conflicted attorneys agree to be ready for both. If no announcement is received by the conflicted attorney seven days in advance requesting a continuance, the continuance will be at the discretion of the trial judge.

(2) For track 2 cases, if the DA has the conflict, another DA will be expected to be ready for trial.

(3) For track 2 cases, if the defense attorney has a conflict, the non-prime case will be left to the discretion of the trial judge. If there is a disagreement about whether the trial judge has properly denied a continuance, the chief judge shall make the final decision.

Rule 306: POST JUDGMENT

Post Judgment Motions, issues related to K.S.A. § 60-1507, and Probation Violation hearings will

be scheduled with the criminal judge that presided over the original case, if possible. If that judge is not available, the case will be assigned to any other district judge.

Rule 307: DOCUMENTS FILED UNDER SEAL

A party seeking permission to file a document “under seal” must follow all rules in K.S.A. § 60-2617. A hearing required under this section must be scheduled with the Trial Judge.