

FILED

IN THE SUPREME COURT OF THE STATE OF KANSAS

AUG 31 2016

ORDERDOUGLAS T. SHIMA
CLERK OF APPELLATE COURTS

RULES RELATING TO THE DISTRICT COURTS

The following Rule 147 governing notice of a challenge to a Kansas statute or constitutional provision in a criminal case is hereby adopted, effective **September 6, 2016**. In all cases pending before the district courts, a party that is subject to the provisions of this rule must comply with any unmet requirements within 21 days after the rule's adoption unless a different timeframe is ordered by a judge of a district court.

Rule 147**NOTICE OF CHALLENGE TO STATUTE OR CONSTITUTIONAL PROVISION IN
CRIMINAL CASE**

- (a) **Notice Requirements.** A party in a criminal case before a district court or any judge of a district court that contests or calls into doubt the validity of any Kansas statute or constitutional provision on grounds that the law violates the state constitution, federal constitution, or any provision of federal law must serve notice of the disputed validity on the prosecuting attorney representing the state in the matter. The notice must state that the prosecuting attorney is being provided notice under K.S.A. 75-764.
- (b) **Filing of Notice.** A party that gives notice under this rule must promptly file a copy of the notice with the clerk of the district court, along with a certificate of service.
- (c) **Failure to Respond to Notice.** A prosecuting attorney is deemed to have failed to respond to the notice if the prosecuting attorney does not file a written response addressing the validity of the challenged law within 21 days after notification is served.
- (d) **Notice to Attorney General.** If a prosecuting attorney fails to respond, a judge of the district court must direct the clerk of the district court to give notice to the attorney general of Kansas on a form prescribed by the judicial administrator. The clerk of the district court must record the date notice was given to the attorney general in the register of actions for the case.
- (e) **Sufficiency of Notice.** Any notice provided under this rule will be deemed sufficient if it is in substantial compliance with the form set forth by the judicial administrator.

- (f) **Application.** This rule does not apply in any action or proceeding in which the attorney general is the party disputing or defending the validity of the law at issue.

BY ORDER OF THE COURT this 31 day of August, 2016.

A handwritten signature in cursive script, appearing to read "Lawton R. Nuss", written in black ink.

Lawton R. Nuss
Chief Justice