

2021 Kansas Statutes

22-3015. Amendment of indictment. (a) Matters of form, time, place, names. At any time before or during trial, the court may, upon application of the prosecuting attorney and with notice to the defendant and opportunity for the defendant to be heard, order the amendment of an indictment with respect to defects, errors or variances from the proof relating to matters of form, time, place and names of persons when such amendment does not change the substance of the charge, and does not prejudice the defendant on the merits. Upon ordering an amendment, the court, for good cause shown, may grant a continuance to provide the defendant adequate opportunity to prepare a defense.

(b) Prohibition as to matters of substance, exception.

(1) An indictment shall not be amended as to the substance of the offense charged, except as provided further.

(2) The court may, upon application of the prosecuting attorney and with notice to the defendant and opportunity for the defendant to be heard, order the substance of an indictment to be amended for the limited purpose of effecting a change of plea by the defendant pursuant to a plea agreement reached between the defendant and the prosecuting attorney. The provisions of this paragraph shall apply only to an indictment found by a grand jury impaneled pursuant to K.S.A. 22-3001(a) or (b), and amendments thereto, and shall not apply to an indictment found by a grand jury impaneled pursuant to K.S.A. 22-3001(c), and amendments thereto.

(c) This section shall be part of and supplemental to article 30 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

History: L. 2013, ch. 85, § 16; L. 2014, ch. 50, § 3; L. 2018, ch. 105, § 5; July 1.