

# STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.  
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February 16, 2018

The Honorable Troy Waymaster, Chairperson  
House Committee on Appropriations  
Statehouse, Room 111-N  
Topeka, Kansas 66612

Dear Representative Waymaster:

**SUBJECT:** Fiscal Note for HB 2734 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2734 is respectfully submitted to your committee.

HB 2734 would amend the provisions of the Kansas Sexually Violent Predator Act as it relates to commitment and conditional release. The bill would amend the definition of "sexually violent predator" to add that such offenders must also have a serious difficulty in controlling their dangerous behavior. The bill would no longer require transitional or conditional release facilities to be subject to secure confinement restrictions. The bill would clarify that a secure confinement restriction would not apply to any reintegration, transitional release or conditional release facility or building.

The bill would require the court to consider the recommendation of the treatment staff and progress review panel, when determining whether a person should be placed on conditional release. The bill would also require the court to include language that the person have no direct contact with individual's that match the person's victim template, travel restrictions, searches, home visits, substance abuse testing and registration requirements in the court's plan of treatment.

The bill would require the professional monitor to track the person's compliance with the plan of treatment while on conditional release. The professional monitor could verbally request the courts to issue an emergency ex parte order directing any law enforcement to take the person into custody if it is determined the person violated any material condition of the plan. A written request would be required to be submitted to the courts no later than 5:00 pm of the first day the district court is open for the transaction of business after the verbal request was made. Once the person is delivered to the secure commitment facility from conditional release, the Secretary of the Kansas Department for Aging and Disability Services (KDADS) would notify the courts. A

current examination of the person's mental condition would be submitted to the courts and the Secretary of KDADS once a year.

The bill would allow a person on conditional release for five years, with no violations of the conditions of the treatment plan, to be examined by the treatment staff or treatment providers directed by the court to determine if the person should be considered for final discharge. If it is determined after the hearing that the person is not appropriate for final discharge, the court would continue custody of the person with the Secretary of KDADS.

The bill would require the final agency determination to include notice of the right to appeal such determination to a presiding officer, as defined in KSA 77-514. The request for hearing would include all documentation submitted through Larned State Hospital and all agency responses.

KDADS states that enactment of HB 2734 would not have a fiscal effect on the agency. The Office of Judicial Administration indicates that there could be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined. Any fiscal effect associated with HB 2734 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,



Larry L. Campbell  
Chief Budget Officer

cc: Cody Gwaltney, Aging & Disability Services  
Ashley Michaelis, Judiciary