

HOUSE JUDICIARY COMMITTEE
Representative Fred Patton, Chairman

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 2, 2021

Proponent Testimony – HB 2095

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill allows trial courts in care and treatment of mentally ill persons cases to prohibit individuals deemed to be mentally ill from possessing firearms as part of a temporary custody order. It further provides for notice to the person and a procedure to have their rights reinstated.

Public safety is the main concern for the Sentencing Commission in this bill. The care and treatment action is an involuntary procedure in which a person is taken into custody if it is believed that the person is a danger to themselves or others. Routinely, they are assessed by a community mental health professional and a temporary custody hearing before the court is scheduled. At the hearing, the court receives relevant evidence and normally testimonial evidence from a mental health professional. If the district court finds sufficient evidence that there is probable cause to believe the person is a mentally ill person, the court may detain the person until trial. This usually results in the person's detention and transfer to Larned State Hospital or Osawatomie State Hospital. Individuals are then treated at the facility, stabilized, and many times released before trial. Many cases never go to trial and within a short time, the person is back before the court for another hearing on a new case.

While not warranted in all instances, the danger is great enough to the community and the person to restrict the possession of firearms during the time after the temporary custody hearing. The bill would allow the court to prohibit the person from possessing firearms as part of the temporary custody order. Notice provisions are required to be given to the person as to reinstatement of those privileges at a later time.

Officer safety would also be accomplished with this proposal. The bill provides that the clerk of the district court send a copy of the order to the Kansas Bureau of Investigation. Within five days of the receipt of the order, the KBI would be required to enter the order into the National Criminal Information Center, a national criminal justice information database used by law enforcement. This would alert officers of potential danger if subsequent contact is made at a later time with the person.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.