

SENATE BILL No. 505

By Senators Journey, Adkins, Barnett, Barone, Brownlee, Buhler, Clark, Corbin, Emler, Gilstrap, Helgerson, Hensley, Huelskamp, Lee, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Umbarger, Vratil and Wagle

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12 AN ACT concerning the probate code; relating to care and treatment;
13 reporting involuntary commitments to the Kansas bureau of investi-
14 gation; amending K.S.A. 2003 Supp. 59-2966 and 59-2974 and re-
15 pealing the existing sections.
16

17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 2003 Supp. 59-2966 is hereby amended to read as
19 follows: 59-2966. (a) Upon the completion of the trial, if the court or jury
20 finds by clear and convincing evidence that the proposed patient is a
21 mentally ill person subject to involuntary commitment for care and treat-
22 ment under this act, the court shall order treatment for such person for
23 a specified period of time not to exceed three months from the date of
24 the trial at a treatment facility, except that the court shall not order treat-
25 ment at a state psychiatric hospital, unless a written statement from a
26 qualified mental health professional authorizing such treatment at a state
27 psychiatric hospital has been filed with the court. *Whenever a person is*
28 *involuntarily committed to a state psychiatric hospital, the clerk of the*
29 *district court shall report the commitment to the Kansas bureau of inves-*
30 *tigation within five days after the commitment is ordered.* An order for
31 treatment in a treatment facility other than a state psychiatric hospital
32 shall be conditioned upon the consent of the head of that treatment fa-
33 cility to accepting the patient. In the event no other appropriate treatment
34 facility has agreed to provide treatment for the patient, and no qualified
35 mental health professional has authorized treatment at a state psychiatric
36 hospital, the participating mental health center for the county in which
37 the patient resides shall be given responsibility for providing or securing
38 treatment for the patient or if no county of residence can be determined
39 for the patient, then the participating mental health center for the county
40 in which the patient was taken into custody or in which the petition was
41 filed shall be given responsibility for providing or securing treatment for
42 the patient.

43 (b) A copy of the order for treatment shall be provided to the head

1 of the treatment facility.

2 (c) When the court orders treatment, it shall retain jurisdiction to
3 modify, change or terminate such order, unless venue has been changed
4 pursuant to K.S.A. 2003 Supp. 59-2971 and amendments thereto and then
5 the receiving court shall have continuing jurisdiction.

6 (d) If the court finds from the evidence that the proposed patient has
7 not been shown to be a mentally ill person subject to involuntary com-
8 mitment for care and treatment under this act the court shall release the
9 person and terminate the proceedings.

10 Sec. 2. K.S.A. 2003 Supp. 59-2974 is hereby amended to read as
11 follows: 59-2974. The head of the treatment facility shall notify, in writing,
12 the patient, the patient's attorney, the petitioner or the petitioner's attor-
13 ney, the county or district attorney as appropriate, and the district court
14 which has jurisdiction over the patient of the patient's discharge pursuant
15 to K.S.A. 2003 Supp. 59-2973 and amendments thereto. When a notice
16 of discharge is received, the court shall file the same which shall terminate
17 the proceedings, unless there has been issued a superseding inpatient or
18 outpatient treatment order not being discharged by the notice. *Whenever*
19 *a person who is involuntarily committed to a state psychiatric hospital is*
20 *released by order of the court or termination of the case, the court shall*
21 *review the case upon request of the patient, and may order the clerk of*
22 *the district court to report the release or termination of the case to the*
23 *Kansas bureau of investigation within five days after the release or ter-*
24 *mination of the case is ordered.*

25 Sec. 3. K.S.A. 2003 Supp. 59-2966 and 59-2974 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the statute book.