

HOUSE BILL No. 2327

By Committee on Corrections and Juvenile Justice

2-11

1 AN ACT concerning crimes, criminal procedure and punishment; relating
2 to sentencing of veterans suffering from posttraumatic stress disorder;
3 amending K.S.A. 2010 Supp. 73-1209 and repealing the existing
4 section.
5

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

7 New Section 1. *(a) A defendant convicted of a criminal offense,*
8 *upon motion of the defendant at the time of conviction or prior to*
9 *sentencing, may assert that such defendant committed such offense as a*
10 *result of mental illness, including posttraumatic stress disorder, stemming*
11 *from service in a combat zone in the United States armed forces. The*
12 *court shall hold a hearing to determine whether the defendant:*

13 *(1) Has been certified by the executive director of the Kansas*
14 *commission on veterans affairs as having served in the armed forces of*
15 *the United States of America in a combat zone, as defined in section 112*
16 *of the federal internal revenue code of 1986;*

17 *(2) suffers from mental illness; and*

18 *(3) such mental illness was caused or exacerbated by events*
19 *occurring during such defendant's service in a combat zone.*

20 *(b) If the court determines that such defendant meets the criteria*
21 *provided in subsection (a) and such defendant's current crime of*
22 *conviction and criminal history fall within a presumptive nonprison*
23 *category under the sentencing guidelines, the court may order such*
24 *defendant to undergo treatment from any treatment facility as those terms*
25 *are defined in K.S.A. 59-2946, and amendments thereto, including any*
26 *facility that provides services for veterans, on an outpatient basis or an*
27 *inpatient basis with the consent of the defendant.*

28 *(c) Nothing in this section shall be construed to limit the court's*
29 *authority to:*

30 *(1) Order any other sanction pursuant to section 242 or 244 of*
31 *chapter 136 of the 2010 Session Laws of Kansas, and amendments*
32 *thereto;*

33 *(2) order a mental examination pursuant to K.S.A. 22-3429, and*
34 *amendments thereto;*

35 *(3) order commitment pursuant to K.S.A. 22-3430 et seq., and*
36 *amendments thereto; or*

1 (4) determine that a person is a mentally ill person subject to
2 involuntary commitment for care and treatment as defined in K.S.A. 59-
3 2946, and amendments thereto.

4 (d) (1) As used in this section:

5 (1) "Mental illness" means a mental disorder manifested by a
6 clinically significant behavioral or psychological syndrome or pattern
7 and associated with either a painful symptom or an impairment in one or
8 more important areas of functioning, and involving substantial
9 behavioral, psychological or biological dysfunction, to the extent that the
10 person is in need of treatment; and

11 (2) "posttraumatic stress disorder" means posttraumatic stress
12 disorder as defined in the diagnostic and statistical manual of mental
13 disorders, fourth edition, (DSM IV TR, 2000) of the American psychiatric
14 association.

15 Sec. 2. K.S.A. 2010 Supp. 73-1209 is hereby amended to read as
16 follows: 73-1209. The executive director of the Kansas veterans'
17 commission, in accordance with general policies established by the
18 commission, shall:

19 ~~(1)~~(a) Collect data and information as to the facilities, benefits and
20 services now or hereafter available to veterans and their relatives and
21 dependents of veterans, and furnish such information to veterans and their
22 relatives and dependents of veterans and local service officers of veterans'
23 organizations.

24 ~~(2)~~(b) Prepare plans for a comprehensive statewide veterans' service
25 program.

26 ~~(3)~~(c) Coordinate the program of state agencies which may properly
27 be utilized in the administration of various aspects of the problems of
28 veterans, and relatives and dependents of veterans, such as the
29 department of social and rehabilitation services, the department of labor,
30 the state board of education, the board of regents and any other state
31 office, department, board or commission furnishing service to veterans or
32 their relatives or dependents of veterans.

33 ~~(4)~~(d) Provide a central contact between federal and state agencies
34 dealing with the problems of veterans and their relatives and dependents
35 of veterans.

36 ~~(5)~~(e) Maintain records of cases handled by the executive director
37 which shall show at least the following information: ~~(a)~~(1) the name of
38 the veteran; ~~(b)~~(2) the claim or case number of the veteran; and ~~(c)~~(3) the
39 amount of monthly benefit received by the veteran, so as to facilitate the
40 necessary interchange of case histories among state administrative
41 agencies and provide a clearinghouse of information.

42 ~~(6)~~(f) Provide such services to veterans and their relatives and
43 dependents of veterans as are not otherwise offered by federal agencies.

1 (7)(g) Provide a central agency to which veterans and ~~their~~ relatives
2 and dependents *of veterans* may turn for information and assistance.

3 (8)(h) Provide and maintain such field services as shall be necessary
4 to properly care for the needs of veterans and ~~their~~ relatives and
5 dependents *of veterans* which shall not be operated in connection with the
6 social and rehabilitation services.

7 (i) *Provide certification of service of a veteran of the armed forces*
8 *of the United States of America in a combat zone to any sentencing judge*
9 *requesting such certification pursuant to section 1, and amendments*
10 *thereto.*

11 Sec. 3. K.S.A. 2010 Supp. 73-1209 is hereby repealed.

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