

SENATE BILL No. 150

By Committee on Judiciary

2-3

1 AN ACT concerning the Kansas sexually violent predator act; relating to
2 responsibility for costs; amending K.S.A. 2016 Supp. 59-29a04 and
3 repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 59-29a04 is hereby amended to read as
7 follows: 59-29a04. (a) When the prosecutor's review committee, appointed
8 as provided in K.S.A. 59-29a03(g), and amendments thereto, has
9 determined that the person meets the definition of a sexually violent
10 predator, the attorney general, within 75 days of the date the attorney
11 general received the written notice as provided in K.S.A. 59-29a03(a), and
12 amendments thereto, may file a petition in the county where the person
13 was convicted of or charged with a sexually violent offense alleging that
14 the person is a sexually violent predator and stating sufficient facts to
15 support such allegation.

16 (b) Notwithstanding the provisions of subsection (a), when the person
17 named in the petition is a person who has been convicted of or charged
18 with a federal or other state offense that under the laws of this state would
19 be a sexually violent offense, as defined in K.S.A. 59-29a02, and
20 amendments thereto, the attorney general may file the petition in the
21 county where the person now resides, was charged or convicted of any
22 offense, or was released.

23 (c) Service of the petition on the attorney appointed or hired to
24 represent the person shall be deemed sufficient service.

25 (d) The provisions of this section are not jurisdictional, and failure to
26 comply with such provisions not affecting constitutional rights in no way
27 prevents the attorney general from proceeding against a person otherwise
28 subject to the provisions of the Kansas sexually violent predator act.

29 (e) Whenever a determination is made regarding whether a person
30 may be a sexually violent predator, the county responsible for the costs
31 incurred, including, but not limited to, costs of investigation, prosecution,
32 defense, juries, witness fees and expenses, expert fees and expenses,
33 *incarceration costs including, but not limited to, medical costs as provided*
34 *in subsection (f)*, and other expenses related to determining whether a
35 person may be a sexually violent predator, shall be reimbursed for such
36 costs by the office of the attorney general from the sexually violent

1 predator expense fund. The attorney general shall develop and implement
2 a procedure to provide such reimbursements. If there are no moneys
3 available in such fund to pay any such reimbursements, the county may
4 file a claim against the state pursuant to article 9 of chapter 46, of the
5 Kansas Statutes Annotated, and amendments thereto.

6 (f) The person against whom a petition is filed shall be responsible
7 for the costs of the medical care and treatment provided or made
8 accessible by the governmental entity having custody, and the
9 governmental entity having custody may seek reimbursement from the
10 person against whom a petition has been filed for such costs. *Medical*
11 *costs paid by the county and not recovered from the person against whom*
12 *a petition is filed may be submitted for reimbursement from the sexually*
13 *violent predator expense fund as provided in subsection (e).*

14 (g) Pre-commitment proceedings, post-commitment proceedings,
15 including conditional release and final discharge and other court
16 proceedings are civil in nature. Such proceedings shall follow the
17 procedures set forth in chapter 60 of the Kansas Statutes Annotated, and
18 amendments thereto, except as expressly provided elsewhere in the Kansas
19 sexually violent predator act.

20 Sec. 2. K.S.A. 2016 Supp. 59-29a04 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the statute book.