

SENATE BILL No. 90

By Senator Reitz

1-25

9 AN ACT concerning the civil commitment of sexually violent predators;
10 relating to the costs thereof; amending K.S.A. 2004 Supp. 59-29a04
11 and repealing the existing section.
12

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

14 Section 1. K.S.A. 2004 Supp. 59-29a04 is hereby amended to read
15 as follows: 59-29a04. (a) When it appears that the person presently con-
16 fined may be a sexually violent predator and the prosecutor's review com-
17 mittee appointed as provided in subsection (e) of K.S.A. 59-29a03 and
18 amendments thereto has determined that the person meets the definition
19 of a sexually violent predator, the attorney general, within 75 days of the
20 date the attorney general received the written notice by the agency of
21 jurisdiction as provided in subsection (a) of K.S.A. 59-29a03 and amend-
22 ments thereto, may file a petition in the county where the person was
23 convicted of or charged with a sexually violent offense alleging that the
24 person is a sexually violent predator and stating sufficient facts to support
25 such allegation.

26 (b) The provisions of this section are not jurisdictional, and failure to
27 comply with such provisions in no way prevents the attorney general from
28 proceeding against a person otherwise subject to the provision of K.S.A.
29 59-29a01 *et seq.*, and amendments thereto.

30 (c) *All costs incurred, including but not limited to the costs of the*
31 *investigation, litigation, defense attorney fees, jury fees, fees and mileage*
32 *for the attendance of witnesses, qualified experts and professional persons,*
33 *appeals, annual examinations, and any other services, to determine*
34 *whether a person is a sexually violent predator shall be the responsibility*
35 *of and paid by the state from any funds which are available for such*
36 *purposes.*

37 Sec. 2. K.S.A. 2004 Supp. 59-29a04 is hereby repealed.

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