

House Judiciary Committee Meeting
Tuesday, March 2, 1965

The House Judiciary Committee met Tuesday, March 2, 1965, at 3:00 P.M. in Room 523 with Chairman Jack R. Euler presiding. Fourteen members were present. Members Bell, Davis, Howard, Roberts, Rogers, Van Cleave and Wilcox were absent.

Chairman Euler called the meeting to order.

The committee resumed its consideration of the mental health acts. Present to be heard concerning these acts were Professor Dan Hopson, Jr., Charles Hamm, and Probate Judge Clark B. Owens, Sedgwick County.

Judge Owens stated that most of the probate judges whom he had talked to concerning these acts had not read them, but those who had, were not favorable. He then proceeded to point out his objections. Section 2 is entirely too broad. He suggested that the present definition of "insane" be used and changed to "mentally ill". Sections 3 and 4 are superfluous. We already have this. He read portions of section 7 and stated that there is way too much reference from section to section to be clear. By the time you go from section to section, you have forgotten what you were looking for. A hospital may never get rid of a voluntary patient under this bill if he does not wish to leave. Section 8 is not needed because it is already the law. Judge Owens repeatedly asked who is going to pay for all of this. He believes section 9 will be improperly used. He then stated a proposed case showing this. Section 10 puts an undue burden on the head of the hospital. Section 12 gives the facilities to evaluate the patient within a certain period of time. Section 15 again refers from section to section. Judge Owens wanted to know who is going to pay for this investigation. Professor Hopson pointed out that it was the feeling of the Judicial Council Committee, that in many cases it would be helpful to have a knowledge of the background. This was added protection for the proposed patient, but if the funds are not available, then they can not have this added protection.

Mr. Turner asked if the Council was concerned with the costs this might project on the county. Professor Hopson said that they knew that if this was enacted it would be much more expensive than the present law. He went on to point out that the 7 to 14 days are generally used in the probate code and this is the reason for this time. Judge Owens stated that this is too long.

House Judiciary Committee Meeting
Tuesday, March 2, 1965
Page 2

They can get a hearing in his county within 2 days. In section 15 a continuance is granted to the petitioner. This would be a burden on those who deserve to be dismissed. Professor Hopson pointed out that this is granted only upon the order of the judge. He said that this is a protective continuance and went on to explain the mechanics of the application.

Judge Owens pointed out that here in section 16 is more needless expense in giving notice. He also wanted to know how they planned to pay the witnesses for testifying. Doctors charge a tremendous fee for this type of thing. He did like section 18 and would like to see it written into the present law. He believed this would be considered as referral by the state hospitals. Section 22 should be adopted and put into our present law.

Professor Hopson explained how section 23 would work and Judge Owens liked this section. He would like to see section 24 enlarged. They should spell out that there are some cases which are custodial and will remain custodial and that it is the responsibility of the state hospitals to keep these people. Section 25 is good, but is now under the present law. Who pays the expenses in section 26? Section 29 is good, but there are no complaints under the present law in this regard. Judge Owens summarized by stating that the good things in these acts should be put into our present laws and definition of "insane" should be used for "mentally ill".

The committee halted their consideration of the mental health acts to hear Senator Reilly concerning Senate Bill No. 52, an act accepting the retrocession by the United States of exclusive jurisdiction over certain state highways bordering Fort Leavenworth military reservation and the United States penitentiary at Leavenworth. Senator Reilly explained this bill and gave a brief background concerning it. Mr. Turner moved that Senate Bill No. 52 be reported favorably

for passage. Mr. Foster seconded. Chairman Euler asked for any questions. There were none. The motion carried unanimously.

The committee then resumed its consideration of the mental health acts.

Professor Hopson then made reference to the list of questions concerning these acts, a copy of which is attached to the minutes of the meeting of Friday, February 26, 1965.

Section 15. The Council had assumed it would be signed.

Section 16. They didn't intend to limit the attorney, but be certain that there was at least one consultation.

Section 17. No objection to the committee's suggestions.

Section 20. This was not considered by the Council, but they should be free from liability or made an officer of the court for this purpose.

Section 21. This was arbitrarily fixed. The Council felt this was a reasonable time.

Section 23. This is the present law. Here the Council considered the expense involved. It would depend on how often you want him to have one. Mr. Hamm pointed out that there are no complaints under the present law. He suggested the addition of "if there is reasonable cause to believe ..." or similar language.

Section 26. The Council was considering a reasonable time here and therefore included the voluntary and informal patient.

Section 31. The Council did not see the doctors' revision of this section, so Professor Hopson didn't know what their feeling would be concerning it.

House Judiciary Committee Meeting
Tuesday, March 2, 1965
Page 4

Sections 34 and 35. Professor Hopson explained the Council's feelings and reasoning concerning these sections.

Section 36. A person presently adjudicated insane is nothing. By the passage of this act, he will have his civil rights restored.

Mr. Foster moved that the committee introduce a bill relating to the Kansas bureau of investigation; prescribing the number of member thereof; amending existing K.S.A. 75-711, and repealing said existing section; and that this bill be referred to the Committee of the Whole. Mr. Turner seconded. Chairman Euler asked for any discussion. There was none. The motion carried unanimously.

The meeting adjourned at 5:00 P.M.

Respectfully submitted,
Jack R. Euler
Chairman

Minutes approved: 