

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 154**

As Amended by House Committee on  
Judiciary

**Brief\***

SB 154 would amend current law on summary proceedings in a *habeas corpus* action to restore the statute to current law except for the following:

- Allow the judge to appoint one instead of the original two competent physicians to make an examination of the person restrained because of an alleged infection or communicable disease; and
- Change “shall” to “may” (*i.e.*, a judge “may” appoint at least one competent physician).

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

According to the Kansas Department of Health and Environment, KSA 65-129A through KSA 65-129e, concerning isolation and quarantine, were enacted in 2005 to modernize the procedure for isolating and quarantining persons who are alleged to suffer from or have been exposed to infectious and contagious disease. SB 154 represents a cleanup of a statute that was overlooked when the new isolation and quarantine statutes were adopted in 2005.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The proponents of the bill, as introduced, who presented testimony in the Senate Committee hearing were Daric Smith, Staff Attorney, Kansas Department of Health and Environment; Randy Mettner, Executive Officer to the Adjutant General; and Hon. James Vano, 10<sup>th</sup> Judicial District (Johnson).

There was no testimony in opposition to the bill in the Senate Committee hearing.

The House Committee on Judiciary amended the bill by striking the original deletion and inserting the provisions allowing for the appointment of one competent physician and changing “shall” to “may.”

According to the fiscal note on the bill, as introduced, the Office of Judicial Administration states the bill would have no fiscal effect.