

HOUSE BILL No. 2010

By Representative Kinzer

1-13

1 AN ACT concerning civil procedure *[and civil actions]*; relating to *[civil*
2 *commitment of sexually violent predators; reimbursement for costs*
3 *related to habeas corpus actions;]* covered offenses and conduct giving
4 rise to forfeiture; amending K.S.A. 2010 Supp. *[59-29a04 and]* 60-
5 4104 and repealing the existing ~~section~~ *[sections]*.

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

8 *[New Section 1. (a) Whenever a person civilly committed pursuant*
9 *to K.S.A. 59-29a01 et seq., and amendments thereto, files a petition*
10 *pursuant to K.S.A. 60-1501 et seq., and amendments thereto, relating to*
11 *such commitment, the costs incurred, including, but not limited to, costs*
12 *of appointed counsel fees and expenses, witness fees and expenses,*
13 *expert fees and expenses, and other expenses related to the prosecution*
14 *and defense of such petition shall be taxed to the county responsible for*
15 *the costs. Any district court receiving a statement of costs from another*
16 *district court shall forthwith approve the same for payment out of the*
17 *general fund of its county except that it may refuse to approve the same*
18 *for payment only on the ground that it is not the county responsible for*
19 *the costs. If the claim for costs is not paid within 120 days, an action*
20 *may be maintained thereon by the claimant county in the district court*
21 *of the claimant county against the debtor county.*

22 *(b) The county responsible for the costs incurred pursuant to*
23 *subsection (a) shall be reimbursed for such costs by the office of the*
24 *attorney general from the sexually violent predator expense fund. The*
25 *attorney general shall develop and implement a procedure to provide*
26 *such reimbursements. If there are no moneys available in such fund to*
27 *pay any such reimbursements, the county may file a claim against the*
28 *state pursuant to article 9 of chapter 46, of the Kansas Statutes*
29 *Annotated, and amendments thereto.*

30 *(c) As used in this section, “county responsible for the costs” means*
31 *the county where the person was determined to be a sexually violent*
32 *predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.*

33 *Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as*
34 *follows: 59-29a04a. (a) There is hereby created in the state treasury the*
35 *sexually violent predator expense fund which shall be administered by*

1 *the attorney general. All moneys credited to such fund shall be used to*
2 *reimburse counties under:*

3 (1) *K.S.A. 59-29a04, and amendments thereto, responsible for the*
4 *costs related to determining whether a person may be a sexually violent*
5 *predator; and*

6 (2) *section 1, and amendments thereto, for the costs related to a*
7 *person filing a petition pursuant to K.S.A. 60-1501 et seq., and*
8 *amendments thereto, relating to the civil commitment pursuant to K.S.A.*
9 *59-29a01 et seq., and amendments thereto.*

10 (b) *All expenditures from the sexually violent predator expense*
11 *fund shall be made in accordance with appropriation acts upon*
12 *warrants of the director of accounts and reports issued pursuant to*
13 *vouchers approved by the attorney general or the attorney general's*
14 *designee.]*

15 ~~Section 1.~~**[Sec. 3.]** K.S.A. 2010 Supp. 60-4104 is hereby amended to
16 read as follows: 60-4104. Conduct and offenses giving rise to forfeiture
17 under this act, whether or not there is a prosecution or conviction related to
18 the offense, are:

19 (a) All offenses which statutorily and specifically authorize forfeiture;

20 (b) violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, and
21 amendments thereto;

22 (c) ~~theft which is classified as a felony violation pursuant to K.S.A.~~
23 ~~21-3701, section 87 of chapter 136 of the 2010 Session Laws of Kansas,~~
24 ~~and amendments thereto; in which the property taken was livestock;~~

25 (d) ~~unlawful criminal discharge of a firearm, K.S.A. 21-4219 as~~
26 ~~defined in subsections (a)(1) and (a)(2) of section 193 of chapter 136 of~~
27 ~~the 2010 Session Laws of Kansas, and amendments thereto;~~

28 ~~(e) violations of K.S.A. 2010 Supp. 21-36a16, and amendments~~
29 ~~thereto;~~

30 ~~(f)~~**[e]** gambling, K.S.A. 21-4303 section 215 of chapter 136 of the 2010
31 Session Laws of Kansas, and amendments thereto, and commercial
32 gambling, K.S.A. 21-4304 as defined in subsection (a)(1) of section 217 of
33 chapter 136 of the 2010 Session Laws of Kansas, and amendments thereto;

34 ~~(g)~~**[f]** counterfeiting, K.S.A. 21-3763 section 111 of chapter 136 of the
35 2010 Session Laws of Kansas, and amendments thereto;

36 ~~(h)~~**[g]** violations of K.S.A. 21-4019 section 178 of chapter 136 of the
37 2010 Session Laws of Kansas, and amendments thereto;

38 ~~(i)~~**[h]** medicaid fraud, K.S.A. 21-3844 et seq. sections 150 through 161
39 of chapter 136 of the 2010 Session Laws of Kansas, and amendments
40 thereto;

41 ~~(j)~~**[i]** an act or omission occurring outside this state, which would be a
42 violation in the place of occurrence and would be described in this section
43 if the act occurred in this state, whether or not it is prosecuted in any state;

1 ~~(k)/j~~ an act or omission committed in furtherance of any act or
2 omission described in this section including any inchoate or preparatory
3 offense, whether or not there is a prosecution or conviction related to the
4 act or omission;

5 ~~(h)/k~~ any solicitation or conspiracy to commit any act or omission
6 described in this section, whether or not there is a prosecution or
7 conviction related to the act or omission;

8 ~~(m)/l~~ ~~furthance of terrorism or illegal use of weapons of mass~~
9 ~~destruction, K.S.A. 21-3451~~ *violations of section 58 of chapter 136 of the*
10 *2010 Session Laws of Kansas, and amendments thereto;*

11 ~~(n)/m~~ unlawful conduct of dog fighting and unlawful possession of
12 dog fighting paraphernalia, ~~K.S.A. 21-4315~~ *as defined in subsections (a)*
13 *and (b) of section 225 of chapter 136 of the 2010 Session Laws of Kansas,*
14 *and amendments thereto;*

15 ~~(o)/n~~ unlawful conduct of cockfighting and unlawful possession of
16 cockfighting paraphernalia, ~~K.S.A. 21-4319~~ *as defined in subsections (a)*
17 *and (b) of section 228 of chapter 136 of the 2010 Session Laws of Kansas,*
18 *and amendments thereto;*

19 ~~(p)/o~~ prostitution, ~~K.S.A. 21-3512~~ *section 229 of chapter 136 of the*
20 *2010 Session Laws of Kansas, and amendments thereto, promoting*
21 *prostitution, K.S.A. 21-3513* *section 230 of chapter 136 of the 2010*
22 *Session Laws of Kansas, and amendments thereto, and patronizing a*
23 *prostitute, K.S.A. 21-3515* *section 231 of chapter 136 of the 2010 Session*
24 *Laws of Kansas, and amendments thereto; and*

25 ~~(q)/p~~ human trafficking, ~~K.S.A. 21-3446,~~ ~~and amendments thereto,~~
26 ~~and aggravated human trafficking, K.S.A. 21-3447~~ *section 61 of chapter*
27 *136 of the 2010 Session Laws of Kansas, and amendments thereto;*

28 ~~(r)/q~~ *violations of K.S.A. 9-2012, and amendments thereto;*

29 ~~(s)/r~~ *mistreatment of a dependent adult, section 52 of chapter 136 of*
30 *the 2010 Session Laws of Kansas, and amendments thereto;*

31 ~~(t)/s~~ *giving a worthless check, section 107 of chapter 136 of the 2010*
32 *Session Laws of Kansas, and amendments thereto;*

33 ~~(u)/t~~ *forgery, section 109 of chapter 136 of the 2010 Session Laws of*
34 *Kansas, and amendments thereto;*

35 ~~(v)/u~~ *making false information, section 110 of chapter 136 of the 2010*
36 *Session Laws of Kansas, and amendments thereto;*

37 ~~(w)/v~~ *criminal use of a financial card, section 114 of chapter 136 of*
38 *the 2010 Session Laws of Kansas, and amendments thereto;*

39 ~~(x)/w~~ *violations of section 125 of chapter 136 of the 2010 Session*
40 *Laws of Kansas, and amendments thereto; and*

41 ~~(y)/x~~ *identity theft and identity fraud, as defined in subsections (a) and*
42 *(b) of section 177 of chapter 136 of the 2010 Session Laws of Kansas, and*
43 *amendments thereto;]*

1 *(y) rape, section 67 of chapter 136 of the 2010 Session Laws of*
2 *Kansas, and amendments thereto;*

3 *(z) criminal sodomy, as defined in subsection (a)(3) or (a)(4) of*
4 *section 68 of chapter 136 of the 2010 Session Laws of Kansas, and*
5 *amendments thereto, and aggravated criminal sodomy, as defined in*
6 *subsection (b) of section 68 of chapter 136 of the 2010 Session Laws of*
7 *Kansas, and amendments thereto;*

8 *(aa) indecent liberties with a child and aggravated indecent liberties*
9 *with a child, section 70 of chapter 136 of the 2010 Session Laws of*
10 *Kansas, and amendments thereto;*

11 *(bb) unlawful voluntary sexual relations, section 71 of chapter 136*
12 *of the 2010 Session Laws of Kansas, and amendments thereto;*

13 *(cc) indecent solicitation of a child and aggravated indecent*
14 *solicitation of a child, section 72 of chapter 136 of the 2010 Session*
15 *Laws of Kansas, and amendments thereto;*

16 *(dd) electronic solicitation, section 73 of chapter 136 of the 2010*
17 *Session Laws of Kansas, and amendments thereto; and*

18 *(ee) sexual exploitation of a child, section 74 of chapter 136 of the*
19 *2010 Session Laws of Kansas, and amendments thereto.]*

20 ~~Sec. 2.~~ *[Sec. 4.]* K.S.A. 2010 Supp. ~~60-4104~~ *is [59-29a04a and 60-*
21 *4104 are] hereby repealed.*

22 ~~Sec. 3.~~ *[Sec. 5.]* This act shall take effect and be in force from and
23 after its publication in the statute book.