

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2104

As Amended by Senate Committee on
Judiciary

Brief*

HB 2104 would amend KSA 65-5603, concerning exceptions to the privilege of patients of mental health treatment facilities that prevents treatment personnel from disclosing the patient's receipt of services or any confidential communications made for the purposes of diagnosis or treatment of the patient's mental, alcoholic, drug dependency, or emotional condition. The bill would add an additional exemption to this privilege for information on whether a person is a current patient of any treatment facility, allowing disclosure to law enforcement when an officer has reasonable suspicion that a person arrested suffers from mental illness and may benefit from treatment, rather than being placed in a correctional institution, jail, juvenile correctional facility, or juvenile detention facility. The bill also would define some of the key terms used in the new exception.

Background

In the House Committee on Corrections and Juvenile Justice, representatives of the Johnson County Sheriff's Office, the Johnson County Mental Health Center, and the Prairie Village Police Department appeared in support of HB 2104. The Committee also received written testimony from the National Alliance on Mental Illness. The House Committee on Corrections and Juvenile Justice amended the

*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>

bill by limiting the exception to information on whether a person is a current patient of a treatment facility.

The Senate Committee on Judiciary amended the bill by making it applicable to persons arrested, rather than detained.

The Department of Social and Rehabilitation Services indicated the passage of HB 2104, as introduced, would have no fiscal effect on its operations. The Juvenile Justice Authority stated that the cost of the bill would be negligible and could be absorbed within existing resources.