



Testimony of the Kansas Association of Counties
To the House Judiciary Committee | Proponent for SB 149

March 17, 2015

Mr. Chairman and Members of the Committee:

Senate Bill 149 alters the manner in which Kansas addresses sexually violent predators. Since the enactment of the Sexually Violent Predators Act, our counties have expressed concerns over the costs that counties bear under this law. But the change in SB 149 addresses the concern as part of a greater plan to improve the hearings process for individuals who fall under the law's purview by streamlining the procedures and reducing the number of frivolous hearings. The bill also enfoldes the language from SB 185, a bill addressing reimbursement through the Kansas Department for Aging and Disability Services. The final language in SB 149 should save money for counties, and KAC subsequently supports the bill.

The key passage for counties is available on page 11. It reads:

The person shall be entitled to participate at any prehearing conference, probable cause hearing or converted hearing on transitional release that the hearing officer may convene, but nothing shall prohibit the hearing officer from conducting any prehearing conference, hearing or converted hearing by telephone or other electronic means, at the discretion of the hearing officer, if the interests of justice do not otherwise require an in-person proceeding. If an in-person proceeding is necessary, such proceeding shall be conducted at the place where the person is committed.

By adding electronic communication as a method to conduct the hearings, Kansas is increasing flexibility to the process. It also allows counties to limit costs by avoiding transportation costs for the predators' hearings. By eliminating the incentive of a travel day, this may result in fewer petitions. Most important, it will save the counties from devoting personnel and time to transport petitioners for every hearing, which will be a cost savings for locals.

Another benefit to the bill is that it clarifies that the detaining entity can seek cost recovery from the individual receiving treatment under the Sexually Violent Predator Act. Page 4 specifies that:

The person against whom a petition is filed shall be responsible for the costs of the medical care and treatment provided or made accessible by the governmental entity having custody, and the governmental entity having custody may seek reimbursement from the person against whom a petition has been filed for such costs.

This is another potential area of cost savings for counties.

KAC's refrain has regularly included the request for Kansas to directly fund the Sexually Violent Predators Act. In the absence of this change, our counties support any change that might help with the cost of treatment. SB 149 accomplishes this, and KAC supports the bill.

Respectfully,
Nathan Eberline, Legal Counsel