

As Amended by Senate Committee

Session of 2016

SENATE BILL No. 481

By Committee on Federal and State Affairs

3-3

1 AN ACT concerning the Kansas sexually violent predator act; relating to
2 restrictions on location of transitional release or conditional release
3 facilities or buildings; amending K.S.A. 2015 Supp. 59-29a11 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2015 Supp. 59-29a11 is hereby amended to read as
8 follows: 59-29a11. (a) If a person has previously filed a petition for
9 transitional release, conditional release or final discharge without the
10 secretary for aging and disability services approval and the court
11 determined either upon review of the petition or following a hearing, that
12 the person's petition was frivolous or that the person's condition had not
13 significantly changed so that it is safe for the person to be at large, then the
14 court shall deny the subsequent petition, unless the petition contains facts
15 upon which a court could find the condition of the petitioner had
16 significantly changed so that a hearing was warranted. Upon receipt of a
17 first or subsequent petition from committed persons without the secretary's
18 approval, the court shall endeavor whenever possible to review the petition
19 and determine if the petition is based upon frivolous grounds and if so
20 shall deny the petition without a hearing.

21 (b) **(1)** No transitional release or conditional release facility or
22 building shall be located within ~~2,000 feet~~ ^{1/4 mile} of a licensed child care
23 facility, an established place of worship, ~~any residence in which a child~~
24 ~~under 18 years of age resides~~, or the real property of any school upon
25 which is located a structure used by a unified school district or an
26 accredited nonpublic school for student instruction or attendance or
27 extracurricular activities of pupils enrolled in kindergarten or any grades
28 one through 12.

29 **(2)** *No transitional release or conditional release facility or building*
30 *shall be located within 300 feet of any residence in which a child under*
31 *18 years of age resides.*

32 **(3)** This subsection shall not apply to any state institution or facility.

33 (c) Transitional release or conditional release facilities or buildings
34 shall be subject to all regulations applicable to other property and
35 buildings located in the zone or area that are imposed by any municipality
36 through zoning ordinance, resolution or regulation, such municipality's

1 building regulatory codes, subdivision regulations or other
2 nondiscriminatory regulations.

3 (d) On and after July 1, 2015, the secretary for aging and disability
4 services shall place no more than 16 sexually violent predators in any one
5 county on transitional release or conditional release.

6 (e) The secretary for aging and disability services shall submit an
7 annual report to the governor and the legislature during the first week of
8 the regular legislative session detailing activities related to the transitional
9 release and conditional release of sexually violent predators. The report
10 shall include the status of such predators who have been placed in
11 transitional release or conditional release including the number of any such
12 predators and their locations; information regarding the number of
13 predators who have been returned to the sexually violent predator
14 treatment program at Larned state hospital along with the reasons for such
15 return; and any plans for the development of additional transitional release
16 or conditional release facilities.

17 Sec. 2. K.S.A. 2015 Supp. 59-29a11 is hereby repealed.

18 Sec. 3. This act shall take effect and be in force from and after its
19 publication in the statute book.