



Kansas Sheriffs' Association

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**Testimony to the Senate Judiciary Committee
Supporting SB150 Kansas Sexually Violent Predator Act; Responsibility of Costs.
February 14th, 2017**

Chairman Wilborn and Committee Members,

The Kansas Sheriffs Association is asking for an amendment to the Kansas Sexually Violent Predator Act and more particularly Kansas Statute 59-29a04 as it relates to providing medical care.

Currently the Statute states "The person against whom a petition is filed shall be responsible for the cost of the medical care provided." Unfortunately, these people are being released from KDOC custody after serving their sentences and being transferred immediately to the county in which the original act, or crime, occurred. Few, if any, have any funds available to pay for their medical costs while incarcerated in the county jail. That leaves the county responsible for those medical costs.

It is important to understand these persons are being held pending their civil determination by a court if they are a sexually violent predator to be sent to Larned for treatment. They are not being held on criminal charges. These cases are handled by the Office of the Attorney General and they are not under the control of local prosecutors nor were local authorities involved in the decision to seek court determination. Sheriffs across Kansas have not only housed these individuals, some for over 3 ½ years, but have paid all the associated medical costs with these individuals. This includes one Sheriff who had cost incurred with an individual due to a terminal illness where the person refused treatment.

In a recent Kansas Attorney General Opinion number 2017-4 the opinion states that incarceration cost incurred by a county, with a person being held under this act, could be submitted to the Sexually Violent Predator Expense Fund for reimbursement. But the medical cost could not and that is the part of the statute that SB150 addresses and that we hope to change.

We have worked with the Office of the Attorney General in the development of this bill. We ask you to recommend it favorably for passage.

Respectfully submitted,

Sheriff Sandy Horton, Retired
Executive Director
Kansas Sheriffs Association