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MEMORANDUM

To: Senate Committee on Judiciary
From: Jason Thompson, Senior Assistant Revisor of Statutes
Date: February 8, 2018
Subject: Bill Brief and Bill History for SB 12

SB 12 amends residency restrictions for persons on transitional or conditional release under the Kansas sexually violent predator act.

In 2016, the Judicial Council accepted a study request from former Senate Judiciary Chair Jeff King. The result of the study was proposed legislation that became SB 12 in 2017. SB 12 received a hearing on January 26, 2017, and no further action was taken by the Committee.

The bill amends K.S.A. 59-29a11, which currently provides that no transitional release or conditional release facility or building shall be located within 2,000 feet of certain places specified in the statute, but the restriction does not apply to any state institution or facility. The bill would change the law so that no person on transitional release or conditional release shall reside within 2,000 feet of certain places specified in the statute, but continue to exempt a person residing in any state institution or facility.

The bill would also allow a court to grant exceptions to the geographic restrictions, except that the court may not set a restriction of less than 500 feet. The bill provides that changes in the ownership of or use of property within the restricted distance from the residence of the person that occur after the person establishes a court-approved residence shall not result in a violation of the terms of their release, and the bill defines the methods for establishing a court-approved residence. Finally, the bill requires the person's conditional release plan to include provisions directing what the person must do to establish a temporary residence if the person loses their court-approved residence as a result of an emergency situation.