

**Neutral testimony for Senate Bill No. 235
Relating to the personal and family protection act; prohibiting
the carrying of concealed firearms in certain buildings**

**Presented to the Ways and Means Committee
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Chairperson McGinn and Members of the Committee:

I appreciate the opportunity to provide testimony regarding Senate Bill 235. This bill permanently exempts the state psychiatric hospitals and institutions from the Personal and Family Protection Act.

When the Personal and Family Protection Act was passed in 2013, the Kansas State School for the Deaf and the Kansas State School for the Blind were permanently exempted from the requirements of the bill. It is unclear why the state psychiatric hospitals and institutions were not permanently exempted at that time.

All state buildings on the campuses of Osawatomie State Hospital, Larned State Hospital, Parsons State Hospital & Training Center, and the Kansas Neurological Institute are temporarily exempted from the Act by the Attorney General's Office under K.S.A. 75-7c20(i) because they are licensed as medical care facilities by the Kansas Department of Health and Environment pursuant to the provisions of K.S.A. 65-425. However, this temporary exemption expires on **July 1, 2017**.

Possible reasons to permanently exempt the state psychiatric hospitals and institutions:

Permanent exemption potentially saves the state money

- Providing adequate security measures to ensure that no weapons are carried into the state psychiatric hospitals and institutions is cost prohibitive, especially in this period when state fiscal resources are strained.

Permanent exemption promotes safety and prevents harm to staff, other patients, and the public

- The patients at Larned State Hospital and Osawatomie State Hospital have been involuntarily committed for several serious reasons:

- (1) they have been found by a court to be a danger to themselves or others;
 - (2) they have been found by a court to be a sexually violent predator because they have a mental abnormality or personality disorder that makes them more likely to engage in repeat acts of sexual violence if not treated, or
 - (3) they are undergoing a mental evaluation to determine whether they are competent to stand trial in a criminal proceeding.
- Psychiatric patients are unpredictable and can become agitated and violent at times, with little warning.
 - The presence of weapons in these high-risk environments has the potential to create an inherently dangerous situation for employees, other patients, and members of the public who are visiting.

Use of metal detectors and other adequate security measures has the potential to disturb the therapeutic environment where patients live and reside

- Individuals with severe developmental and intellectual disabilities voluntarily reside at the Parsons State Hospital & Training Center and the Kansas Neurological Institute in cottages on the grounds of open campuses.
- Restricting movement and requiring these residents to go through a metal detector limits their freedom of movement and undermines the therapeutic environment.

The heightened risk associated with the presence of concealed firearms or the disturbance caused by added layers of security in these therapeutic environments has the potential to place an undue burden on the staff and clinicians, as well as the patients.

KDADS appreciates the Committee's consideration of this bill. At this time, I welcome the opportunity to answer any of the questions you may have.