

As Amended by Senate Committee

Session of 2017

SENATE BILL No. 12

By Committee on Judiciary

1-11

1 AN ACT concerning the Kansas sexually violent predator act; relating to
2 transitional release or conditional release; residency restrictions;
3 amending K.S.A. ~~2016~~ **2017** Supp. 59-29a11 and repealing the existing
4 section.

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

7 Section 1. K.S.A. ~~2016~~ **2017** Supp. 59-29a11 is hereby amended to
8 read as 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 *person on* transitional release or conditional release ~~facility~~
22 ~~or building~~ shall ~~be located~~ *reside* within 2,000 feet 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. This subsection shall not apply to *a person residing in any*
29 *state institution or facility.*

30 (2) *After considering the recommendation of the treatment staff and*
31 *the person, and after making written findings on the record, the court may*
32 *grant exceptions to any of the geographic restrictions in this subsection,*
33 *except that the court may not set a restriction of less than 500 feet.*

34 (3) *Changes in the ownership of or use of property within the*
35 *restricted distance from the residence of a person on transitional release*
36 *or conditional release that occur after the person establishes a court-*

1 *approved residence shall not form the basis for a finding that the person*
2 *has violated the terms of transitional release or conditional release. For*
3 *purposes of this subsection, a person has established a court-approved*
4 *residence when the person does any of the following with court approval:*

5 (A) *Purchases a residence or enters into a specifically enforceable*
6 *contract to purchase a residence;*

7 (B) *enters into a written lease contract for a residence and for as*
8 *long as the person is lawfully entitled to remain on the premises; or*

9 (C) *resides with an immediate family member who established*
10 *residence in accordance with this subsection. For purposes of this*
11 *subsection, "immediate family member" means a child or sibling who is 18*
12 *years of age or older, or a parent, grandparent, legal guardian or spouse.*

13 (4) *Any conditional release plan under K.S.A.-~~2016~~ 2017 Supp. 59-*
14 *29a19, and amendments thereto, shall include provisions directing what*
15 *the person must do to establish a temporary residence if the person loses*
16 *their court-approved residence as a result of an emergency situation,*
17 *including, but not limited to, eviction or an act of God that renders the*
18 *residence uninhabitable.*

19 (c) *Transitional release or conditional release facilities or buildings*
20 *shall be subject to all regulations applicable to other property and*
21 *buildings located in the zone or area that are imposed by any municipality*
22 *through zoning ordinance, resolution or regulation, such municipality's*
23 *building regulatory codes, subdivision regulations or other*
24 *nondiscriminatory regulations.*

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

28 (e) *The secretary for aging and disability services shall submit an*
29 *annual report to the governor and the legislature during the first week of*
30 *the regular legislative session detailing activities related to the transitional*
31 *release and conditional release of sexually violent predators. The report*
32 *shall include the status of such predators who have been placed in*
33 *transitional release or conditional release including the number of any such*
34 *predators and their locations; information regarding the number of*
35 *predators who have been returned to the sexually violent predator*
36 *treatment program at Larned state hospital along with the reasons for such*
37 *return; and any plans for the development of additional transitional release*
38 *or conditional release facilities.*

39 Sec. 2. *K.S.A.-~~2016~~ 2017 Supp. 59-29a11 is hereby repealed.*

40 Sec. 3. *This act shall take effect and be in force from and after its*
41 *publication in the statute book.*