

Sexually Violent Predators, Cost of *Habeas Corpus* Petitions, Expert Testimony

Senate Sub. for HB 2071 amends KSA 59-29a01 to provide that when a person is committed as a sexually violent predator and files a *habeas corpus* petition, the costs incurred as part of the prosecution and defense of the petition are assessed to the “county responsible for the costs.” “County responsible for the costs” is defined in the bill as the county where the person was determined to be a sexually violent predator. A county can refuse to approve payment of the costs assessed by the court if it is not the “county responsible for the costs” and may file a claim against the debtor county, which has to pay within 120 days.

The “county responsible for the costs” is reimbursed for the costs by the Attorney General from the Sexually Violent Predator Expense Fund. The statute governing this fund, KSA 59-29a04a, is amended to allow for such expenditures. If the Fund’s balance is insufficient to cover the costs, the county may file a claim against the state for reimbursement.

The bill also adds a subsection to KSA 59-29a06, providing that in commitment proceedings for sexually violent predators, the parties are permitted to call expert witnesses. Consistent with KSA 60-456, which governs testimony in the form of an opinion, the facts or data upon which an expert witness bases an opinion or inference can be perceived or made known to the expert at or before the hearing. Further, the bill provides that when the facts or data are of a type reasonably relied on by experts in the particular field in forming inferences or opinions on the subject, they do not have to be admissible in evidence for the inference or opinion to be admissible.