

SENATE BILL No. 407

By Committee on Corrections and Juvenile Justice

2-4

1 AN ACT concerning civil commitment of sexually violent predators;
2 reviving K.S.A. 59-29a18.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 59-29a18 is hereby revived to read as follows: 59-
6 29a18. (a) During any period the person is in transitional release, the
7 person committed under this act at least annually, and at any other time
8 deemed appropriate by the treatment staff, shall be examined by the
9 treatment staff to determine if the person's mental abnormality or
10 personality disorder has so changed so as to warrant such person being
11 considered for conditional release. The treatment staff shall forward a
12 report of its examination to the court. The court shall review the same. If
13 the court determines that probable cause exists to believe that the person's
14 mental abnormality or personality disorder has so changed that the person
15 is safe to be placed in conditional release, the court shall then set a hearing
16 on the issue. The attorney general shall have the burden of proof to show
17 beyond a reasonable doubt that the person's mental abnormality or
18 personality disorder remains such that the person is not safe to be at large
19 and that if placed on conditional release is likely to engage in repeat acts
20 of sexual violence. The person shall have the same rights as enumerated in
21 K.S.A. 59-29a06 and amendments thereto. Subsequent to either a court
22 review or a hearing, the court shall issue an appropriate order with findings
23 of fact. The order of the court shall be provided to the attorney general, the
24 person and the secretary.

25 (b) If, after the hearing, the court is convinced beyond a reasonable
26 doubt that the person is not appropriate for conditional release, the court
27 shall order that the person remain either in secure commitment or in
28 transitional release. Otherwise, the court shall order that the person be
29 placed on conditional release.

30 Sec. 2. This act shall take effect and be in force from and after its
31 publication in the statute book.