

HOUSE BILL No. 2363

By Committee on Appropriations

3-4

9 AN ACT concerning sexually violent predators; relating to placement
10 into the community; amending K.S.A. 2008 Supp. 59-29a11 and re-
11 pealing the existing section.
12

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

14 Section 1. K.S.A. 2008 Supp. 59-29a11 is hereby amended to read
15 as follows: 59-29a11. (a) Nothing in this act shall prohibit a person from
16 filing a petition for transitional release, conditional release or final dis-
17 charge pursuant to this act. However, if a person has previously filed a
18 petition for transitional release, conditional release or final discharge
19 without the secretary of the department of social and rehabilitation serv-
20 ices approval and the court determined either upon review of the petition
21 or following a hearing, that the petitioner's petition was frivolous or that
22 the petitioner's condition had not so changed that the person was safe to
23 be at large, then the court shall deny the subsequent petition unless the
24 petition contains facts upon which a court could find the condition of the
25 petitioner had so changed that a hearing was warranted. Upon receipt of
26 a first or subsequent petition from committed persons without the sec-
27 retary's approval, the court shall endeavor whenever possible to review
28 the petition and determine if the petition is based upon frivolous grounds
29 and if so shall deny the petition without a hearing.

30 (b) No transitional release or conditional release facility or building
31 shall be located within 2,000 feet of a licensed child care facility, regis-
32 tered family day care home, an established place of worship, any residence
33 in which a child under 18 years of age resides, or the real property of any
34 school upon which is located a structure used by a unified school district
35 or an accredited nonpublic school for student instruction or attendance
36 or extracurricular activities of pupils enrolled in kindergarten or any
37 grades one through 12. This subsection shall not apply to any state cor-
38 rectional institution or facility.

39 (c) Transitional release or conditional release facilities or buildings
40 shall be subject to all regulations applicable to other property and build-
41 ings located in the zone or area that are imposed by any municipality
42 through zoning ordinance, resolution or regulation, such municipality's
43 building regulatory codes, subdivision regulations or other nondiscrimi-

1 natory regulations.

2 *(d) On and after January 1, 2009, the secretary of social and reha-*
3 *bilitation services shall place no more than six sexually violent predators*
4 *in any one county on transitional release or conditional release.*

5 Sec. 2. K.S.A. 2008 Supp. 59-29a11 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the Kansas register.