

As Amended by House Committee

Session of 2010

Substitute for HOUSE BILL No. 2430

By Committee on Corrections and Juvenile Justice

2-17

10 AN ACT concerning crimes, criminal procedure and punishment; relat-
11 ing to sentencing of veterans suffering from posttraumatic stress dis-
12 order; amending K.S.A. 2009 Supp. 73-1209 and repealing the existing
13 section.

14
15 *Be it enacted by the Legislature of the State of Kansas:*

16 New Section 1. (a) A defendant convicted of a criminal offense, upon
17 motion of the defendant at the time of conviction or prior to sentencing,
18 may assert that such defendant committed such offense as a result of
19 mental illness, including posttraumatic stress disorder, stemming from
20 service in a combat zone in the United States armed forces. The court
21 shall hold a hearing to determine whether the defendant:

22 (1) Has been certified by the executive director of the Kansas com-
23 mission on veterans affairs as having served in the armed forces of the
24 United States of America in a combat zone, as defined in section 112 of
25 the federal internal revenue code of 1986;

26 (2) suffers from mental illness; and

27 (3) such mental illness was caused or exacerbated by events occurring
28 during such defendant's service in a combat zone.

29 (b) If the court determines that such defendant meets the criteria
30 provided in subsection (a) and such defendant's current crime of convic-
31 tion and criminal history fall within a presumptive nonprison category
32 under the sentencing guidelines, the court may order such defendant to
33 undergo treatment from any treatment facility as those terms are defined
34 in K.S.A. 59-2946, and amendments thereto, **including any facility that**
35 **provides services for veterans**, on an outpatient basis or an inpatient
36 basis with the consent of the defendant.

37 (c) Nothing in this section shall be construed to limit the court's au-
38 thority to **order any other sanction pursuant to K.S.A. 21-4502 or**
39 **21-4603d, and amendments thereto**, order a mental examination pur-
40 suant to K.S.A. 22-3429, and amendments thereto, order commitment
41 pursuant to K.S.A. 22-3430 et. seq., and amendments thereto, or deter-
42 mine that a person is a mentally ill person subject to involuntary com-
43 mitment for care and treatment as defined in K.S.A. 59-2946, and amend-

1 ments thereto.

2 (d) (1) As used in this section:

3 (1) “Mental illness” means a mental disorder manifested by a clini-
4 cally significant behavioral or psychological syndrome or pattern and as-
5 sociated with either a painful symptom or an impairment in one or more
6 important areas of functioning, and involving substantial behavioral, psy-
7 chological or biological dysfunction, to the extent that the person is in
8 need of treatment; and

9 (2) “posttraumatic stress disorder” means posttraumatic stress dis-
10 order as defined in the diagnostic and statistical manual of mental dis-
11 orders, fourth edition, (DSM IV TR, 2000) of the American psychiatric
12 association.

13 Sec. 2. K.S.A. 2009 Supp. 73-1209 is hereby amended to read as
14 follows: 73-1209. The executive director of the Kansas veterans’ commis-
15 sion, in accordance with general policies established by the commission,
16 shall:

17 ~~(1)~~ (a) Collect data and information as to the facilities, benefits and
18 services now or hereafter available to veterans and ~~their~~ relatives and
19 dependents *of veterans*, and furnish such information to veterans and
20 ~~their~~ relatives and dependents *of veterans* and local service officers of
21 veterans’ organizations.

22 ~~(2)~~ (b) Prepare plans for a comprehensive statewide veterans’ service
23 program.

24 ~~(3)~~ (c) Coordinate the program of state agencies which may properly
25 be utilized in the administration of various aspects of the problems of
26 veterans, and relatives and dependents of veterans, such as the depart-
27 ment of social and rehabilitation services, the department of labor, the
28 state board of education, the board of regents and any other state office,
29 department, board or commission furnishing service to veterans or ~~their~~
30 relatives or dependents *of veterans*.

31 ~~(4)~~ (d) Provide a central contact between federal and state agencies
32 dealing with the problems of veterans and ~~their~~ relatives and dependents
33 *of veterans*.

34 ~~(5)~~ (e) Maintain records of cases handled by the executive director
35 which shall show at least the following information: ~~(a)~~ (1) The name of
36 the veteran; ~~(b)~~ (2) claim or case number of the veteran; and ~~(c)~~ (3)
37 amount of monthly benefit received by the veteran, so as to facilitate the
38 necessary interchange of case histories among state administrative agen-
39 cies and provide a clearinghouse of information.

40 ~~(6)~~ (f) Provide such services to veterans and ~~their~~ relatives and de-
41 pendents *of veterans* as are not otherwise offered by federal agencies.

42 ~~(7)~~ (g) Provide a central agency to which veterans and ~~their~~ relatives
43 and dependents *of veterans* may turn for information and assistance.

1 ~~(g)~~ (h) Provide and maintain such field services as shall be necessary
2 to properly care for the needs of veterans and ~~their~~ relatives and de-
3 pendants *of veterans* which shall not be operated in connection with the
4 social and rehabilitation services.

5 (i) *Provide certification of service of a veteran of the armed forces of*
6 *the United States of America in a combat zone to any sentencing judge*
7 *requesting such certification pursuant to section 1, and amendments*
8 *thereto.*

9 Sec. 3. K.S.A. 2009 Supp. 73-1209 is hereby repealed.

10 Sec. 4. This act shall take effect and be in force from and after its
11 publication in the statute book.