

SESSION OF 2010

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 455**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

SB 455 would permit an expert, at any sexually violent predator commitment proceeding, to rely on facts or data perceived by or made known to the expert, before the hearing, if the facts or data are of a type reasonably relied upon by experts in the particular field in forming opinions or inferences as to whether the respondent does or does not meet the criteria to be committed as a sexually violent predator. Facts or data that are otherwise inadmissible would not be permitted to be disclosed to the jury by the proponent of the opinion or inference, unless the court determines the probative value of the inadmissible evidence in assisting the jury to evaluate the expert's opinion substantially outweighs its prejudicial effect.

**Background**

The proponents of the bill who presented testimony in the Senate Committee hearing were representatives of the Kansas Attorney General's Office, the Kansas County and District Attorney's Association, and the Office of the District Attorney for the Twenty-Ninth Judicial District (Wyandotte). The proponent from the AG's Office stated that this bill incorporates the Federal Rules of Evidence Rule 703 only for sexually violent predator proceedings.

There were no opponents of the bill who presented testimony in the Senate Committee hearing.

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The fiscal note provided on this bill, as introduced, states passage of this bill would have no fiscal effect.