

SESSION OF 2010

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2430**

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

Sub. for HB 2430, as amended, would create new law that would authorize a defendant convicted of a criminal offense to assert, at the time of conviction or prior to sentencing, that he or she committed the criminal offense as a result of mental illness stemming from service in a combat zone in the United States armed forces. If the court finds, after a hearing, the defendant served in a combat zone, suffers from mental illness, such mental illness was caused or exacerbated by the events occurring during the defendant's service in a combat zone, and the defendant's crime of conviction and criminal history would make his or her sentence presumptive probation, the court may order the defendant to undergo inpatient or outpatient treatment at any treatment facility, including any facility that provides services for veterans.

Additionally, the bill would clarify that nothing in this section would limit the court's authority to impose currently authorized dispositions for misdemeanors or felony offenses.

Background

The bill, as introduced, would have amended current law on sentencing to provide that a veteran who served in a combat zone and has post traumatic stress disorder would be specifically authorized to offer this evidence to the sentencing court as a substantial and compelling reason to depart from the

*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>

presumptive sentence. The proponents of the bill, as introduced, who testified at the House Committee were Representative Tom Sloan and representatives of the Office of the Adjutant General of Kansas, and the Kansas Commission on Veterans' Affairs.

There were no opponents of the bill, as introduced, who testified at the House Committee.

The House Committee proposed a substitute bill when final action was taken on the bill. The substitute bill would create new law that would authorize a defendant convicted of a criminal offense to assert that he or she committed the offense as a result of mental illness stemming from service in a combat zone in the United States armed forces. If the Court finds, after a hearing, the defendant served in a combat zone, suffers from mental illness, such mental illness was caused or exacerbated by the events occurring during the defendant's service in a combat zone, and the defendant's crime of conviction and criminal history would make his or her sentence presumptive probation, the court may order the defendant to undergo inpatient or outpatient treatment.

After having been passed by the House Committee on Corrections and Juvenile Justice, the bill was withdrawn from the House Calendar, and re-referred to the House Committee on Corrections and Juvenile Justice.

The House Committee then amended the substitute bill to clarify the defendant may be ordered to undergo treatment at any facility, including any facility that provides services for veterans. Additionally, the House Committee amended the bill to clarify that nothing in this section would limit the court's authority to impose currently authorized dispositions for misdemeanor or felony offenses.

The fiscal note on the bill, as introduced, may not be applicable because the substitute bill is different from the bill, as introduced. The Commission on Veterans' Affairs indicates that the costs associated with implementing HB 2430, as

introduced, would be negligible and could be absorbed within existing resources. The Kansas Sentencing Commission states that although the bill may reduce prison admissions and the need for prison beds, the effect is believed to be negligible.