

SESSION OF 2010

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2440**

As Amended by Senate Committee on  
Judiciary

**Brief\***

HB 2440, as amended, would require the Kansas Department of Corrections (KDOC) to notify crime victims or victims' family members, as soon as practical, of the status of a defendant when the defendant is diverted from the criminal justice system for an evaluation of his or her competency to stand trial or for involuntary commitment. Notification would be required only for defendants charged with, or inmates convicted of, crimes under Article 33 (Anticipatory Crimes), Article 34 (Crimes Against Persons), Article 35 (Sex Crimes), or Article 36 (Crimes Affecting Family Relationships and Children) of the Kansas Criminal Code. State security hospitals, county or private institutions, courts, and the Department of Social and Rehabilitation Services (SRS) are required to notify the KDOC of any changes in defendants' custody resulting from hearings or proceedings for the purposes of providing victim notification.

The bill also would extend, from 30 days to 45 days, the time period for the Secretary of SRS to prepare recommendations to the court regarding a suitable reentry program for a patient who is to be conditionally released from a treatment facility.

**Background**

Current law provides for notification to crime victims regarding the status of the defendant after a criminal conviction, particularly when a convicted defendant is remanded to the

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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>

custody of the KDOC. However, current law does not address notification to crime victims regarding the status of those criminal defendants who are placed in the custody of the SRS or other mental health treatment facilities for an evaluation as to whether the defendant is competent to stand trial or is acquitted due to the defendant's lack of mental capacity and subsequently committed pursuant to the Care and Treatment Act for Mentally Ill Persons.

The proponents of the bill, as introduced, who testified in the House Committee were the Director of Victim's Services at the Attorney General's Office; the Director of Victim's Services, Kansas Department of Corrections (KDOC); and the Deputy Secretary of the Kansas Department of Social and Rehabilitation Services (SRS).

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

The House Committee amended the bill to require notification be made as soon as practical and added members of the defendant's family as individuals who the KDOC is required to notify pursuant to the bill, if requested. Additionally, the House Committee made technical amendments to the bill as requested by the Office of the Revisor of Statutes.

The proponents of the bill who testified in the Senate Committee were the Director of Victim's Services at the Attorney General's Office; the Director of Victim's Services, KDOC; and the Deputy Secretary of SRS. The conferees for the KDOC and the SRS requested the House amendment adding members of the defendant's family as individuals who the KDOC would be required to notify pursuant to the bill, if requested, be removed. The conferees stated that current grant funding would prohibit providing services to populations other than crime victims and would put this funding in jeopardy. Also, the addition of non-victims to the pool of persons receiving notifications would necessitate separate record keeping and tracking for those non-victims as well as create confusion and false expectations as to the services available to them.

There were no opponents of the bill who testified in the Senate Committee.

The Senate Committee amended the bill to remove the provision that would require KDOC to provide notification to members of the defendant's family, if requested.

According to the fiscal note on the bill, as introduced, there would be no fiscal effect.