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**Senate Committee on Judiciary
Proponent Testimony on Senate Bill 374
Jessica G. Domme, Deputy Attorney General for Criminal
Wednesday, February 4, 2026**

Chairwoman Warren and members of the Senate Judiciary Committee:

Thank you for the opportunity to provide testimony in support of Senate Bill 374.

SB 374 strengthens the criminal competency process by expanding what courts may consider when evaluating whether a defendant poses a threat to public safety. Currently, courts rely primarily on a certification from the chief medical officer of the treatment facility. This bill allows courts to consider additional factors—such as prior convictions, pending charges, and the overall circumstances of the defendant’s behavior—when making that determination.

The bill also updates who may initiate involuntary commitment proceedings. Instead of requiring action from the Kansas Secretary for Aging and Disability Services (KDADS), SB 374 designates the prosecuting attorney to begin the process. It also allows the prosecutor handling the criminal case to participate in the commitment hearing, even if the hearing is held in a different county.

SB 374 addresses the issue of repeated treatment releases and re-commitments for defendants who remain incompetent to stand trial. It creates a new hearing process where the prosecutor may present evidence of a compelling state interest to continue treatment for defendants charged with serious person felonies. At this hearing, the court will consider the seriousness of the charges, public safety concerns, and the defendant’s treatment history. For less serious charges—such as misdemeanors or nonperson felonies—the court will dismiss the case without prejudice if the defendant is unlikely to regain competency in the foreseeable future.

Finally, the bill clarifies that defendants charged with the most serious crimes—such as off-grid felonies, nondrug severity level 1–3 felonies, or attempts/conspiracies to commit such offenses—are deemed to pose a risk of harm to themselves or others for the purposes of involuntary commitment.

The Kansas Supreme Court has affirmed the Legislature’s broad constitutional authority to create laws that protect the public and provide treatment for individuals with mental illness who may be

dangerous. As stated in *In re Care & Treatment of Hay*, 263 Kan. 822, 833 (1998), it is well within the Legislature's authority to "adopt statutory programs to confine and treat people who might be dangerous to themselves or others and who suffer from some mental ailment."

For these reasons, I respectfully urge your support of SB 374.