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Date: February 14, 2024
To: Chairwoman Warren and the Senate Committee on Judiciary
From: City of Overland Park - Presiding Judge Ryan Dixon
Re: SB 448 – Support

Thank you for allowing the City of Overland Park to submit testimony in support of SB 448. My name is Ryan Dixon and I am the Presiding Judge of the Overland Park municipal court. I am here today as a proponent of SB 448 which would provide a uniform process for municipal courts to follow when dealing with individuals that may be legally incompetent to stand trial.

This bill has the support of the Kansas Municipal Judges Association. In attendance this morning is board member and president-elect Judge Keith Drill from the City of Mission in Johnson County.

Each year, municipal courts across Kansas see thousands of people charged with misdemeanor offenses. Many of them suffer from mental illness, sometimes severe mental illness.

Currently, Kansas law does not provide municipal courts with a process to determine competency nor to order treatment. At the moment, only the district court has the power to determine competency and to order mental health treatment through K.S.A. 22-3302 and 22-3303.

SB 448 would allow a municipal judge to order a competency evaluation (it would not be mandatory) and if the defendant is found incompetent, the case would be referred to the county attorney for refiling in the district court.

Getting the case into the district court would allow the defendant an opportunity to regain competency with the appropriate treatment as provided in the K.S.A. 22-3303. It is not mandatory that the county attorney accept the municipal case referral. If the case is not accepted by the county attorney, then the case is dismissed at the municipal court level which would comply with U.S. Supreme Court rulings.

This bill also seeks to add municipal court cases to the list of cases that are eligible for reimbursement of jail fees for the cost of housing a defendant while awaiting a competency evaluation. K.S.A. 19-1936 already allows similar reimbursement in district court competency cases.

Thank you for your consideration and I respectfully request that the Committee advance SB 448 to the full Senate. I am happy to answer any questions that the committee may have.