

SENATE BILL No. 217

By Committee on Ways and Means

2-21

1 AN ACT concerning the civil commitment of sexually violent predators;
2 relating to reimbursement for costs related to habeas corpus actions;
3 amending K.S.A. 2010 Supp. 59-29a04a and repealing the existing
4 section.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Whenever a person civilly committed pursuant to
8 K.S.A. 59-29a01, et. seq., and amendments thereto, files a petition
9 pursuant to K.S.A. 60-1501, et. seq., and amendments thereto, relating to
10 such commitment, the costs incurred, including, but not limited to costs
11 of appointed counsel fees and expenses, witness fees and expenses,
12 expert fees and expenses, and other expenses related to the prosecution
13 and defense of such petition shall be taxed to the county responsible for
14 the costs. Any district court receiving a statement of costs from another
15 district court shall forthwith approve the same for payment out of the
16 general fund of its county except that it may refuse to approve the same
17 for payment only on the ground that it is not the county responsible for
18 the costs. In such case it shall transmit the statement of costs to the
19 attorney general who shall determine the question of the responsible
20 county and certify the attorney general's findings to each district court.
21 Whenever a district court has sent a statement of costs to the district court
22 of another county and such costs have not been paid within 90 days after
23 the statement was sent, the district court that sent the statement may
24 transmit such statement of costs to the attorney general as provided in this
25 section. If the claim for costs is not paid within 30 days after such
26 certification, an action may be maintained thereon by the claimant county
27 in the district court of the claimant county against the debtor county. The
28 findings made by the attorney general as to the responsible county shall
29 be applicable only to the assessment of costs.

30 (b) The county responsible for the costs incurred pursuant to
31 subsection (a) shall be reimbursed for such costs by the office of the
32 attorney general from the sexually violent predator expense fund. The
33 attorney general shall develop and implement a procedure to provide such
34 reimbursements. If there are no moneys available in such fund to pay any
35 such reimbursements, the county may file a claim against the state
36 pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and

1 amendments thereto.

2 (c) As used in this section, “county responsible for the costs” means
3 the county where the person was determined to be a sexually violent
4 predator pursuant to K.S.A. 59-29a01, et. seq., and amendments thereto.

5 Sec. 2. K.S.A. 2010 Supp. 59-29a04a is hereby amended to read as
6 follows: 59-29a04a. (a) There is hereby created in the state treasury the
7 sexually violent predator expense fund which shall be administered by
8 the attorney general. All moneys credited to such fund shall be used to
9 reimburse counties under:

10 (1) K.S.A. 59-29a04, and amendments thereto, responsible for the
11 costs related to determining whether a person may be a sexually violent
12 predator; *and*

13 (2) *section 1, and amendments thereto, for the costs related to*
14 *person filing a petition pursuant to K.S.A. 60-1501, et. seq., and*
15 *amendments thereto, relating to the civil commitment pursuant to K.S.A.*
16 *59-29a01, et. seq., and amendments thereto.*

17 (b) All expenditures from the sexually violent predator expense fund
18 shall be made in accordance with appropriation acts upon warrants of the
19 director of accounts and reports issued pursuant to vouchers approved by
20 the attorney general or the attorney general's designee.

21 Sec. 3. K.S.A. 2010 Supp. 59-29a04a is hereby repealed.

22 Sec. 4. This act shall take effect and be in force from and after its
23 publication in the statute book.