

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 280**

As Amended by Senate Committee on Judiciary

**Brief\***

SB 280 would amend two sections of the Kansas Sexually Violent Predator Act (KSVPA).

First, the bill would amend KSA 59-29a05 to require the person conducting a sexually violent predator evaluation to notify the subject: 1) of the nature and purpose of the evaluation; and 2) that the evaluation is not confidential, and the subject's statements and evaluator's conclusions will be disclosed to the court, the subject's attorney, the prosecutor, and the trier of fact at any commitment proceeding. The bill would clarify that such evaluations be ordered by the court.

Second, the bill would amend KSA 2011 Supp.59-29a06 to allow parties to call expert witnesses at any "proceeding" conducted under the KSVPA. Current statute states that experts may be called at any "trial" conducted under the Act.

**Background**

SB 280 was introduced by the Senate Judiciary Committee at the request of Attorney General Derek Schmidt. In the Senate Judiciary Committee, a representative of the Attorney General spoke in support of the bill, stating the bill would clarify certain provisions of the KSVPA in light of questions raised in recent litigation. The Committee amended the bill to explicitly state that sexually violent predator evaluations are to be ordered by the court. The Committee recommended the bill be passed as amended.

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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>

The fiscal note on the bill states enactment of the bill would have no fiscal effect.