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Shawn Sullivan, Director of the Budget

Sam Brownback, Governor

February 16, 2016

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 407 by Senate Committee on Corrections and Juvenile Justice

In accordance with KSA 75-3715a, the following fiscal note concerning SB 407 is respectfully submitted to your committee.

SB 407 would outline the process for the conditional release of any person civilly committed under the sexually violent predator act. The treatment staff would examine the civilly-committed person to determine whether that person being held on transitional release should be considered for conditional release. The report by the treatment staff would be forwarded to the court for review. If the court finds that there is probable cause to believe that the person's mental abnormality or personality disorder has changed such that it would be safe to put the person on conditional release, a hearing that would require the attendance of the Attorney General would be set. The Attorney General would be required to prove beyond a reasonable doubt that the person is not safe to be placed on conditional release. The court would then issue an order finding that the person is either to be placed on conditional release, remain in transitional release, or be placed in secure confinement.

It is not anticipated that the passage of SB 407 would have a fiscal effect on the Judicial Branch. However, until the courts have had an opportunity to operate under the provisions of SB 407, an accurate estimate of the fiscal effect cannot be given. According to the Kansas Department of Aging and Disability Services (KDADS), Sexual Predator Treatment Program treatment staff evaluate all transitional release patients on an annual basis. As a result, the bill would not have a fiscal effect on the agency. Any fiscal effect associated with SB 407 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan".

Shawn Sullivan,
Director of the Budget

cc: Ashley Michaelis, Judiciary
Brad Ridley, Aging & Disability Services