

SESSION OF 2011

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2104**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2104 would amend KSA 65-5603 concerning the privilege of patients of mental health treatment facilities to prevent treatment personnel from disclosing the patient's receipt of services or any confidential communications made for the purposes of diagnosis or treatment of the patient's mental, alcoholic, drug dependency, or emotional condition. The bill would add an additional exemption to this privilege for information on whether a person is a current patient of any treatment facility, allowing disclosure to law enforcement when an officer has reasonable suspicion that a person detained is suffering from mental illness and may benefit from treatment rather than being placed in a correctional institution, jail, juvenile correctional facility, or juvenile detention facility. The bill also would define some of the key terms used in the new exception.

**Background**

In the House Committee on Corrections and Juvenile Justice, representatives of the Johnson County Sheriff's Office, the Johnson County Mental Health Center, and the Prairie Village Police Department appeared in support of HB 2104. The Committee also received written testimony from the National Alliance on Mental Illness. The Committee amended the bill by limiting the exception to information on whether a person is a current patient of a treatment facility.

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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 Department of Social and Rehabilitation Services indicated the passage of HB 2104 would have no fiscal effect on its operations. The Juvenile Justice Authority stated that the cost of the bill would be negligible and could be absorbed within existing resources.