

2023 Kansas Statutes

59-29a04. Petition, time, contents, venue, service; provisions of section are not jurisdictional; county reimbursed for costs; responsibility for costs of medical care and treatment; proceedings are civil in nature. (a) When the prosecutor's review committee, appointed as provided in K.S.A. 59-29a03(g), and amendments thereto, has determined that the person meets the definition of a sexually violent predator, the attorney general, within 75 days of the date the attorney general received the written notice as provided in K.S.A. 59-29a03(a), and amendments thereto, may file a petition in the county where the person was convicted of or charged with a sexually violent offense alleging that the person is a sexually violent predator and stating sufficient facts to support such allegation.

(b) Notwithstanding the provisions of subsection (a), when the person named in the petition is a person who has been convicted of or charged with a federal or other state offense that under the laws of this state would be a sexually violent offense, as defined in K.S.A. 59-29a02, and amendments thereto, the attorney general may file the petition in the county where the person now resides, was charged or convicted of any offense, or was released.

(c) Service of the petition on the attorney appointed or hired to represent the person shall be deemed sufficient service.

(d) The provisions of this section are not jurisdictional, and failure to comply with such provisions not affecting constitutional rights in no way prevents the attorney general from proceeding against a person otherwise subject to the provisions of the Kansas sexually violent predator act.

(e) Whenever a determination is made regarding whether a person may be a sexually violent predator, the county responsible for the costs incurred, including, but not limited to, costs of investigation, prosecution, defense, juries, witness fees and expenses, expert fees and expenses and other expenses related to determining whether a person may be a sexually violent predator, shall be reimbursed for such costs by the office of the attorney general from the sexually violent predator expense fund. The attorney general shall develop and implement a procedure to provide such reimbursements. If there are no moneys available in such fund to pay any such reimbursements, the county may file a claim against the state pursuant to article 9 of chapter 46, of the Kansas Statutes Annotated, and amendments thereto.

(f) The person against whom a petition is filed shall be responsible for the costs of the medical care and treatment provided or made accessible by the governmental entity having custody, and the governmental entity having custody may seek reimbursement from the person against whom a petition has been filed for such costs.

(g) Pre-commitment proceedings, post-commitment proceedings, including conditional release and final discharge and other court proceedings are civil in nature. Such proceedings shall follow the procedures set forth in chapter 60 of the Kansas Statutes Annotated, and amendments thereto, except as expressly provided elsewhere in the Kansas sexually violent predator act.

History: L. 1994, ch. 316, § 4; L. 1995, ch. 193, § 3; L. 1999, ch. 140, § 4; L. 2003, ch. 152, § 2; L. 2007, ch. 170, § 4; L. 2015, ch. 95, § 3; July 1.