

SESSION OF 2012

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2313**

As Recommended by Senate Committee on  
Judiciary

**Brief\***

Senate Sub. for HB 2313 would provide that when an offender is placed in Kansas, unless placed pursuant to the Interstate Compact for Juveniles, the supervisor of a residential placement facility must:

- Provide a completed residential placement registration form to the Commissioner of the Juvenile Justice Authority (JJA) and the city or county law enforcement agency in which the facility is located within three business days of an out-of-state juvenile offender's commencement of residence at the facility;
- Inform the Commissioner and the city or county law enforcement agency in which the facility is located of a juvenile offender's release or discharge from the facility within three business days of release or discharge;
- Immediately notify the Commissioner and the city or county law enforcement agency in which the facility is located of any unexpected or unauthorized absence of the juvenile offender; and
- Upon request, provide information to any law enforcement agency for the purpose of determining the juvenile offender's whereabouts.

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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 bill also would list the information that must be provided in the residential placement registration form, which would be available on the JJA website, authorize the Commissioner to adopt rules and regulations to carry out its provisions, and define key terms.

## **Background**

HB 2313, as introduced, would have required sexually violent predators civilly committed to the custody of the Secretary of Social and Rehabilitation Services (SRS) to exhaust all administrative remedies prior to filing any civil action that names as the defendant the State of Kansas, any political subdivision of the state, any public official, the Secretary of SRS, or any SRS employee.

In the House Committee on Judiciary, Representative Mitch Holmes, representatives of the Larned State Hospital, and the Kansas Department of Social and Rehabilitation Services (SRS) appeared in support of the bill. The Chief Judge of the 24th Judicial District, which includes Pawnee County where Larned State Hospital is located, submitted written testimony in support of the bill. The Committee amended the bill to clarify that the new section would not apply to a writ of *habeas corpus* and moved the language added to the existing statute on writs of *habeas corpus* to its own subsection.

In the Senate Committee on Judiciary, a representative of SRS appeared in support of the bill. The Committee amended the bill by adopting a substitute bill.

The fiscal note for HB 2313, as introduced, does not account for the changes proposed in the substitute bill.