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Kari M. Bruffett, Secretary

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To: Senate Judiciary Committee
From: Lea Taylor, Assistant Secretary
Date: February 23, 2015
Subject: SB 185, Reimbursement for costs incurred by counties for sexually violent predators

Chairman King and members of the Committee:

I appreciate the opportunity to present written testimony in opposition to SB 185. While the Kansas Department for Aging and Disability Services (KDADS) is sensitive to the costs incurred by counties for the care and custody of sexually violent predators, we must oppose this legislation primarily for financial reasons. As illustrated in the fiscal note, shifting the cost burden to KDADS through reimbursement would effectively place the entire financial responsibility for the program on Larned State Hospital (LSH). KDADS and LSH simply do not have the budget currently to absorb this cost increase.

The fiscal note details this legislation's significant financial impact. The Sexual Predator Treatment Program (SPTP) has approximately 253 residents who are eligible for an annual review hearing each year. Although many residents do not request a hearing every year, they are legally eligible and entitled to such a hearing. For residents who request their hearing, SB 185 would allow counties to charge the hearing costs to LSH. In addition, counties could request reimbursement for any costs associated with new prosecutions and other types of custody challenges. All of these outlined costs for which LSH must reimburse counties would create an equal shortfall in the SPTP program's operating budget, which would then need to be covered by respective increases to the State General Fund appropriation for LSH.

Payment of jail costs for sexually violent predators has been a county obligation from the beginning of the program. Moreover, costs are assessed proportionately throughout the state since each county is only responsible for those STP residents coming from its court system. This is the usual method of payment for jail costs in Kansas.

For these reasons, KDADS respectfully stands in opposition to SB 185. We appreciate the Committee's consideration of our perspective.