

HOUSE BILL No. 2291

By Committee on Corrections and Juvenile Justice

2-7

1 AN ACT concerning the care and treatment for mentally ill persons;
2 relating to transfer of custody; amending K.S.A. 2016 Supp. 59-2968
3 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2016 Supp. 59-2968 is hereby amended to read as
7 follows: 59-2968. (a) All admissions to a state psychiatric hospital upon
8 any order of a court shall be to the state psychiatric hospital designated by
9 the secretary for aging and disability services. The time and manner of the
10 admission shall be arranged by the participating mental health center
11 authorizing such admission and coordinated with the hospital and the
12 official or agent who shall transport the person.

13 (b) No patient shall be admitted to a state psychiatric hospital
14 pursuant to any of the provisions of this act, including any court-ordered
15 admissions, if the secretary has notified the supreme court of the state of
16 Kansas and each district court which has jurisdiction over all or part of the
17 catchment area served by a state psychiatric hospital, that the census of a
18 particular treatment program of that state psychiatric hospital has reached
19 capacity and that no more patients may be admitted. Following notification
20 that a state psychiatric hospital program has reached its capacity and no
21 more patients may be admitted, any district court which has jurisdiction
22 over all or part of the catchment area served by that state psychiatric
23 hospital, and any participating mental health center which serves all or part
24 of that same catchment area, may request that patients needing that
25 treatment program be placed on a waiting list maintained by that state
26 psychiatric hospital.

27 (c) In each such case, as a vacancy at that state psychiatric hospital
28 occurs, the district court and participating mental health center shall be
29 notified, in the order of their previous requests for placing a patient on the
30 waiting list, that a patient may be admitted to the state psychiatric hospital.
31 As soon as the state psychiatric hospital is able to admit patients on a
32 regular basis to a treatment program for which notice has been previously
33 given under this section, the superintendent of the state psychiatric hospital
34 shall inform the supreme court and each affected district court that the
35 moratorium on admissions is no longer in effect.

36 (d) *A patient whose status as an inmate in the custody of the*

1 *secretary of corrections has expired shall be transferred to the custody of*
2 *the sheriff of the county where the district court that has jurisdiction over*
3 *the commitment proceeding is located, pending admission to a state*
4 *psychiatric hospital.*

5 Sec. 2. K.S.A. 2016 Supp. 59-2968 is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its
7 publication in the statute book.