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Testimony on HB 2291
To
The House Corrections and Juvenile Justice Committee

By Joe Norwood
Secretary
Kansas Department of Corrections
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The Department of Corrections introduced HB 2291 to address an issue regarding the custody of former inmates whose prison sentence has expired prior to their admission into a state psychiatric hospital. Specifically, the cohort of persons addressed by HB 2291 are those persons who are a threat to themselves or others due to a mental illness. This group is subject to the same judicial proceedings for an involuntary commitment as other members of the public. This group does not include sexually violent predators subject to civil commitment to the Sexually Violent Predator Facility. HB 2291 provides that custody of the patient be placed with the sheriff if the prison sentence of the proposed patient or patient expires. Any temporary treatment or placement would continue to be governed by the Care and Treatment for Mentally Ill Persons Act.

The department evaluates inmates as their release date approaches to determine whether the person is a potential candidate for civil commitment as an involuntary patient at a state psychiatric hospital. This includes an evaluation by a local mental health practitioner. The evaluation is conducted within 72 hours of the release of the inmate so that it represents the current condition of the proposed patient. The involuntary civil commitment hearing is held either the day before or the day of the inmate's release from prison. The department provides transportation of the inmate to the court hearing and if ordered to undergo treatment, to a state hospital, mental health treatment facility or a community hospital. Currently, these actions are taken while the patient is still subject to detention due to his or her criminal sentence.

However, if either a judicial delay or unavailability of treatment resources arises which causes a delay in the admission of the patient into the state hospital beyond his or her prison sentence, the department no longer has authority to detain the patient. HB 2291specifies that in those circumstances, the proposed patient or patient is to be treated like any other Kansan subject to the Care and Treatment for the Mentally Ill Act.

The department understands the issue of providing mental health services in the community involves a number of stakeholders beyond the department and local law enforcement including mental health providers, hospitals and advocates for the mentally ill. If future circumstances should raise the issue of undertaking a substantive change to the Mental Health Act in regard to Kansas citizens those stakeholders may have relevant input.

The department urges favorable consideration of HB 2291.