



Kari M. Bruffett, Secretary

Sam Brownback, Governor

To: Corrections and Juvenile Justice Committee
From: Kim Lynch, KDADS Senior Litigation Counsel
Date: February 3, 2015
Subject: SB 12, Battery of judges, attorneys, court services officers and mental health employees

Chairman Smith and members of the Committee:

I appreciate the opportunity to present testimony in support of SB 12. This legislation is important for the protection of KDADS employees, contractors and their employees who provide care for or otherwise interact with persons served at state hospitals and institutions including committed sexually violent predators.

While KDADS supports this legislation, we have a couple of changes we would like to see added to the bill. Specifically,

1. The definition of mental health employee: At page 5 line 9 the bill amends the definition of mental health employee. The proposed new definition adds in (B) *an employee of a contractor who is under contract to provide services to the Kansas Department for Aging and Disability Services working at any such institution or facility;*

We are concerned that this might not fully capture contractors such as professionals who were not working for an organized business. For example, one of the hospitals contracts with a semi-retired dentist to provide limited services to patients. We would suggest rephrasing the new (B) to state: (B) *Contractors and employees of contractors under contract to provide services.....*

2. The definition of attorney: At page 5 line 20 the bill adds a definition of attorney. The proposed additional definition states (8) *“attorney” means a county attorney, assistant county attorney, district attorney, assistant district attorney, attorney general or assistant attorney general; and*

KDADS agency attorneys handle many cases each year where the other party bringing the litigation is a committed sexually violent predator. KDADS agency attorneys must interact with such persons frequently. Instances of violence have been perpetrated by such persons while in the treatment program and while in Court. The risk to state agency attorneys required to do this work is especially high and KDADS is requesting that the definition be changed to include state agency attorneys. We would suggest the amended definition read: (8) *“attorney” means a state agency attorney; county attorney, assistant county attorney, district attorney, assistant district attorney, attorney general or assistant attorney general;*

Finally, we would also suggest taking out any references to *Rainbow Mental Health Facility* as the State of Kansas recently sold that facility.

We appreciate the Committee considering our concerns and suggested changes. At this time, I will stand for questions.