**Sentencing of Kansans with Mental Illness; Treatment of Convicted Mentally Ill; Determination of Veteran Status and Discharge of Incarcerated Mentally Ill**

The bill would enact new law and amend existing statutes to allow a defendant at the time of conviction or prior to sentencing to assert that the offense was committed as a result of mental illness. Under the provisions of the bill, the court would hold a hearing to determine the following:

● If the defendant suffers from a mental illness.

Further, under provisions of the bill:

● The Kansas Psychological Association shall perform annual audits of Kansas Department of Corrections facilities to ensure that prescribed Mental Health services are being provided; and

● Kansas law enforcement shall determine the veteran status and type of discharge of a defendant. This information shall become part of the defendants profile and incorporated into the Kansas Department of Corrections (KDOC) reporting systems.

If the court determines the defendant has met the criteria established by the bill and the defendant’s current crime and criminal history fall within a presumptive non-prison category under the sentencing guidelines, the court could order the defendant to undergo treatment. If the defendant is a veteran with veterans benefits, the bill would allow the court to order the defendant to undergo either inpatient or outpatient treatment at any treatment facility or program operated by the U.S. Department of Defense, the Federal Veterans’ Administration, and the Kansas National Guard**.** If a veteran without veterans benefits or not a veteran the bill would allow the court to order the defendant to undergo either inpatient or outpatient treatment at any certified mental illness treatment facility within the state of Kansas with the defendant paying for such services if able else the state will pay for the services.

If the court determines the defendant has met the criteria established by the bill and the defendant’s current crime and criminal history fall within a presumptive prison category under the sentencing guidelines the court shall order that any prison time or probation shall require appropriate therapeutic mental illness care to include but not limited to mental health counseling and mental health medications as prescribed by mental health professionals.

Upon discharge from incarceration or probation any offender living with mental illness shall be provided information linking them to the community they will be re-integrating to. The information shall include but not be limited to information about low-cost housing, employment, low-income services and mental health services.

The Kansas Psychological Association (KPA) shall perform audits of the therapeutic mental health services provided by Kansas Department of Corrections institutions. The audits shall be performed annually at a minimum and can be more frequent and unannounced at the sole discretion of the KPA. <http://www.kspsych.org/>

Kansas Law Enforcement shall determine at the time of arrest the veteran status of each and every defendant and provide the status to the District Court as part of the defendant’s profile. Kansas Department of Corrections shall ensure that the veteran status of a defendant becomes part of the defendant’s KDOC profile

If the court determines the defendant would be eligible for treatment under the above provisions and that the defendant meets the requirements for treatment under the alternative sentencing provisions of 2003 SB 123, the SB 123 provisions would apply, except the court could order treatment by the providers listed above in lieu of participation in a certified drug abuse treatment program.