

## 2021 Kansas Statutes

59-29a25. **Permanent physiological change, petition for discharge; procedure.** (a) Whenever there is current evidence since the last annual examination from an expert or professional person that an identified physiological change to the committed person, such as paralysis, stroke or dementia, renders the committed person unable to commit a sexually violent offense and that this change is permanent, the person may petition the court for a hearing to be released.

(b) If the court finds after a hearing that the person has demonstrated by clear and convincing evidence that the person suffers from a permanent physiological change rendering the person unable to commit a sexually violent offense, the court shall discharge the person from the program and notify the secretary. At the hearing, the person shall have the right to counsel. The state shall have the right to have the person examined before the hearing. The burden of proof shall be on the person to prove the physiological change is permanent and renders the person unable to commit a sexually violent offense.

(c) If the court finds the person has not suffered a permanent physiological change or is not safe, the person shall remain in secure commitment.

(d) This section shall be a part of and supplemental to the Kansas sexually violent predator act.

**History:** L. 2015, ch. 95, § 16; July 1.