



DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES

Don Jordan, Secretary

**Senate Judiciary Committee**  
**February 4, 2009**

**SB 95–Traffic in Contraband in a Care and  
Treatment Facility**

**Disability and Behavioral Health Services**  
**Ray Dalton, Deputy Secretary**

For Additional Information Contact:  
Patrick Woods, Director of Governmental Affairs  
Docking State Office Building, 6<sup>th</sup> Floor North  
(785) 296-3271



# **SB 95–Traffic in Contraband in a Care and Treatment Facility**

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Chairman Owens and members of the Committee, I am Ray Dalton, Deputy Secretary of SRS. Thank you for the opportunity to appear before you today to discuss SB 95.

SRS supports this legislation, which will enhance and support patient and staff safety and security.

This bill concerns operations at Larned State Hospital (LSH). LSH operates three distinct programs on their campus. They operate the State Security Hospital, which provides mental health services to the criminally insane, as well as provides mental health services to Department of Correction inmates, and is already included in the contraband statutes. The second program they operate is the Psychiatric Services Program, a civil program, which provides mental health services to adults, children and adolescents living in the western portion of the state. This program is not included in these statutes and the proposed changes will not affect this program.

The last program operated by LSH is the Sexual Predator Treatment Program (SPTP). SB 95 incorporates the SPTP into the bill as it concerns contraband. The bill makes a distinction between a correctional institution and a care and treatment facility. It is important to ensure the SPTP at Larned is not considered a correctional institution, as this could put the constitutionality of the program in jeopardy. The constitutional requirements of this program require the program to be for the care and treatment of the people committed to the program.

The bill then allows for the Secretary of Corrections to determine what contraband is for a correctional institution, and allows the Secretary of SRS to determine what contraband is in a care a treatment facility. The nature of medical treatment facilities is much different than in correctional institutions. Hospitals are a therapeutic/treatment environment and some items that might be considered contraband in the Department of Corrections environment would not be considered contraband in hospitals. An example would be as residents move along the treatment continuum they would prepare meals for themselves and be allowed to have knives for cooking. Conversely, movies that might be appropriate to show to a general population of inmates might not be appropriate for viewing by pedophiles.

Again, SRS supports this bill, and I would be glad to answer any questions the Committee may have.