

**HOUSE BILL No. 2026**

By Joint Committee on Corrections and Juvenile Justice Oversight

12-31

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to diversion agreements; creating a certified drug abuse treatment  
3 program for people on diversion; providing for supervision by court  
4 services or community corrections; amending K.S.A. 22-2907, 75-5291  
5 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 and repealing the  
6 existing sections.  
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) There is hereby established a certified drug abuse  
10 treatment program for certain persons who enter into a diversion  
11 agreement in lieu of further criminal proceedings on and after July 1,  
12 2021. Placement of divertees in a certified drug abuse treatment program  
13 pursuant to a diversion agreement shall be limited to placement of adults,  
14 on a complaint alleging a felony violation of K.S.A. 2020 Supp. 21-5706,  
15 and amendments thereto, whose offense is classified in grid blocks 5-C, 5-  
16 D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug  
17 crimes who have no felony conviction of K.S.A. 65-4142, 65-4159, 65-  
18 4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-  
19 36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp.  
20 21-5703, 21-5705 or 21-5716, and amendments thereto, or any  
21 substantially similar offense from another jurisdiction.

22 (b) As part of the consideration of whether or not to allow diversion  
23 to the defendant, a divertee who meets the requirements of subsection (a)  
24 shall be subject to:

25 (1) A drug abuse assessment that shall include a clinical interview  
26 with a mental health professional and a recommendation concerning drug  
27 abuse treatment for the divertee; and

28 (2) a standardized criminal risk-need assessment specified by the  
29 Kansas sentencing commission.

30 (c) The diversion agreement shall require the divertee to comply with  
31 and participate in a certified drug abuse treatment program if the divertee  
32 meets the assessment criteria set by the Kansas sentencing commission.  
33 The term of treatment shall not exceed 18 months.

34 (d) Divertees who are committed to a certified drug abuse treatment  
35 program pursuant to subsection (c) may be supervised by community  
36 correctional services or court services pursuant to a memorandum of

1 understanding entered into pursuant to K.S.A. 22-2907, and amendments  
2 thereto.

3 (e) (1) Divertees in a certified drug abuse treatment program shall be  
4 discharged from the program if the divertee:

5 (A) Is convicted of a new felony; or

6 (B) has a pattern of intentional conduct that demonstrates the  
7 divertee's refusal to comply with or participate in the treatment program in  
8 the opinion of the county or district attorney.

9 (2) Divertees who are discharged from such program pursuant to  
10 paragraph (1) shall be subject to the revocation provisions of the divertee's  
11 diversion agreement.

12 (f) For the purposes of this section:

13 (1) "Mental health professional" includes licensed social workers,  
14 persons licensed to practice medicine and surgery, licensed psychologists,  
15 licensed professional counselors or registered alcohol and other drug abuse  
16 counselors licensed or certified as addiction counselors who have been  
17 certified by the secretary of corrections to treat persons pursuant to K.S.A.  
18 2020 Supp. 75-52,144, and amendments thereto.

19 (2) "Divertee" means a person who has entered into a diversion  
20 agreement pursuant to K.S.A. 22-2909, and amendments thereto.

21 Sec. 2. K.S.A. 22-2907 is hereby amended to read as follows: 22-  
22 2907. ~~(1)~~(a) After a complaint has been filed charging a defendant with  
23 commission of a crime and prior to conviction thereof, and after the  
24 district attorney has considered the factors listed in K.S.A. 22-2908, if it  
25 appears to the district attorney that diversion of the defendant would be in  
26 the interests of justice and of benefit to the defendant and the community,  
27 the district attorney may propose a diversion agreement to the defendant.  
28 The terms of each diversion agreement shall be established by the district  
29 attorney in accordance with K.S.A. 22-2909, *and amendments thereto*.

30 ~~(2)~~(b) Each district attorney shall adopt written policies and  
31 guidelines for the implementation of a diversion program in accordance  
32 with this act. Such policies and guidelines shall provide for a diversion  
33 conference and other procedures in those cases where the district attorney  
34 elects to offer diversion in lieu of further criminal proceedings on the  
35 complaint.

36 ~~(3)~~(c) Each defendant shall be informed in writing of the diversion  
37 program and the policies and guidelines adopted by the district attorney.  
38 The district attorney may require any defendant requesting diversion to  
39 provide information regarding prior criminal charges, education, work  
40 experience and training, family, residence in the community, medical  
41 history, including any psychiatric or psychological treatment or  
42 counseling, and other information relating to the diversion program. In all  
43 cases, the defendant shall be present and shall have the right to be

1 represented by counsel at the diversion conference with the district  
2 attorney.

3 (d) (1) A county or district attorney may enter into a memorandum of  
4 understanding with the chief judge of a judicial district or community  
5 correctional services to assist with supervision and monitoring of persons  
6 who have entered into a diversion agreement. The county or district  
7 attorney shall retain authority over whether a defendant is given the  
8 option to enter into a diversion agreement and whether the defendant's  
9 diversion agreement will be revoked.

10 (2) A memorandum of understanding shall include provisions related  
11 to:

12 (A) Determining the level of supervision needed for a defendant;

13 (B) use of a criminal risk-need assessment; ~~and~~

14 (C) payment of costs for supervision; **and**

15 (D) **waiver of the supervision fee established in this subsection.**

16 (3) (A) When a person who has entered into a diversion agreement is  
17 supervised pursuant to a memorandum of understanding under this  
18 subsection, the person shall pay a supervision fee in the amount  
19 established in K.S.A. 2020 Supp. 21-6607(c)(3)(A) for misdemeanor or  
20 felony post-conviction supervision, as appropriate for the crime charged.

21 (B) The diversion supervision fee imposed by this paragraph shall be  
22 charged and collected by the ~~district court. The clerk of the district court~~  
23 ~~shall remit all moneys received under this paragraph from diversion~~  
24 ~~supervision fees to the state treasurer in accordance with the provisions of~~  
25 ~~K.S.A. 75-4215, and amendments thereto. Upon receipt of each such~~  
26 ~~remittance, the state treasurer shall deposit the entire amount in the state~~  
27 ~~treasury and credit such amounts as follows: To the state general fund, a~~  
28 ~~sum equal to 41.67% of such remittance; and to the correctional~~  
29 ~~supervision fund, a sum equal to 58.33% of such remittance. county or~~  
30 ~~district attorney.~~

31 (C) All moneys collected pursuant to this section shall be paid into  
32 the county general fund and used to fund the costs of diversion  
33 supervision performed pursuant to a memorandum of understanding  
34 under this subsection.

35 (D) The diversion supervision fee specified by this paragraph may be  
36 reduced or waived by the ~~supervision officer~~ county or district attorney in  
37 accordance with a memorandum of understanding under this  
38 subsection.

39 (4) When a person who has entered into a diversion agreement is  
40 supervised pursuant to a memorandum of understanding under this  
41 subsection, the person shall pay the actual costs of any urinalysis testing  
42 required as a term of supervision. Payments for urinalysis testing shall be  
43 remitted to the county treasurer for deposit in the county general fund. The

1 *costs of urinalysis testing may be reduced or waived by the county or*  
2 *district attorney.*

3 *(5) The office of judicial administration may develop guidelines*  
4 *regarding the content of a memorandum of understanding between a*  
5 *county or district attorney and the chief judge of a judicial district and the*  
6 *administration of a supervision program operating pursuant to such*  
7 *memorandum of understanding.*

8 Sec. 3. K.S.A. 2020 Supp. 22-2909 is hereby amended to read as  
9 follows: 22-2909. (a) (1) A diversion agreement shall provide that if the  
10 defendant fulfills the obligations of the program described therein, as  
11 determined by the attorney general or county or district attorney, such  
12 attorney shall act to have the criminal charges against the defendant  
13 dismissed with prejudice. The diversion agreement shall include  
14 specifically the waiver of all rights under the law or the constitution of  
15 Kansas or of the United States to a speedy arraignment, preliminary  
16 examinations and hearings, and a speedy trial, and in the case of diversion  
17 under subsection (c) waiver of the rights to counsel and trial by jury. The  
18 diversion agreement may include, but is not limited to, provisions  
19 concerning:

20 (A) Payment of restitution, including court costs and diversion costs;;

21 (B) residence in a specified facility;;

22 (C) maintenance of gainful employment, ~~and~~;

23 (D) participation in programs offering medical, educational,  
24 vocational, social and psychological services, corrective and preventive  
25 guidance and other rehabilitative services; *and*

26 (E) *supervision by the county or district attorney, or by court services*  
27 *or community correctional services pursuant to a memorandum of*  
28 *understanding entered into by the county or district attorney pursuant to*  
29 *K.S.A. 22-2907, and amendments thereto, including the diversion*  
30 *supervision fee and urinalysis costs described in K.S.A. 22-2907, and*  
31 *amendments thereto, when applicable.*

32 (2) If a county creates a local fund under the property crime  
33 restitution and compensation act, a county or district attorney may require  
34 in all diversion agreements as a condition of diversion the payment of a  
35 diversion fee in an amount not to exceed \$100. Such fees shall be  
36 deposited into the local fund and disbursed pursuant to recommendations  
37 of the local board under the property crime restitution and victims  
38 compensation act.

39 (3) If the attorney general enters into a diversion agreement:

40 (A) Any diversion costs or fees collected pursuant to such agreement  
41 shall be deposited in the fraud and abuse criminal prosecution fund  
42 established by K.S.A. 75-765, and amendments thereto; and

43 (B) the attorney general may enter into agreements with the

1 appropriate county or district attorney or other appropriate parties  
2 regarding the supervision of conditions of such diversion agreement.

3 (b) The diversion agreement shall state:

4 (1) The defendant's full name;

5 (2) the defendant's full name at the time the complaint was filed, if  
6 different from the defendant's current name;

7 (3) the defendant's sex, race and date of birth;

8 (4) the crime with which the defendant is charged;

9 (5) the date the complaint was filed; and

10 (6) the district court with which the agreement is filed.

11 (c) If a diversion agreement is entered into in lieu of further criminal  
12 proceedings on a complaint alleging a violation of K.S.A. 8-1567, and  
13 amendments thereto, the diversion agreement shall include a stipulation,  
14 agreed to by the defendant, the defendant's attorney if the defendant is  
15 represented by an attorney and the attorney general or county or district  
16 attorney, of the facts upon which the charge is based and a provision that if  
17 the defendant fails to fulfill the terms of the specific diversion agreement  
18 and the criminal proceedings on the complaint are resumed, the  
19 proceedings, including any proceedings on appeal, shall be conducted on  
20 the record of the stipulation of facts relating to the complaint. In addition,  
21 the agreement shall include a requirement that the defendant:

22 (1) Pay a fine specified by the agreement in an amount equal to an  
23 amount authorized by K.S.A. 8-1567, and amendments thereto, for a first  
24 offense or, in lieu of payment of the fine, perform community service  
25 specified by the agreement, in accordance with K.S.A. 8-1567, and  
26 amendments thereto; and

27 (2) participate in an alcohol and drug evaluation conducted by a  
28 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and  
29 follow any recommendation made by the provider after such evaluation.

30 (d) If a diversion agreement is entered into in lieu of further criminal  
31 proceedings on a complaint alleging a domestic violence offense, as  
32 defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, the  
33 diversion agreement shall include a requirement that the defendant  
34 undergo a domestic violence offender assessment and follow all  
35 recommendations unless otherwise agreed to with the prosecutor in the  
36 diversion agreement. The defendant shall be required to pay for such  
37 assessment and, unless otherwise agreed to with the prosecutor in the  
38 diversion agreement, for completion of all recommendations.

39 (e) If a diversion agreement is entered into in lieu of further criminal  
40 proceedings on a complaint alleging a violation other than K.S.A. 8-1567,  
41 and amendments thereto, the diversion agreement may include a  
42 stipulation, agreed to by the defendant, the defendant's attorney if the  
43 defendant is represented by an attorney and the attorney general or county

1 or district attorney, of the facts upon which the charge is based and a  
2 provision that if the defendant fails to fulfill the terms of the specific  
3 diversion agreement and the criminal proceedings on the complaint are  
4 resumed, the proceedings, including any proceedings on appeal, shall be  
5 conducted on the record of the stipulation of facts relating to the  
6 complaint.

7 (f) If the person entering into a diversion agreement is a nonresident,  
8 the attorney general or county or district attorney shall transmit a copy of  
9 the diversion agreement to the division. The division shall forward a copy  
10 of the diversion agreement to the motor vehicle administrator of the  
11 person's state of residence.

12 (g) If the attorney general or county or district attorney elects to offer  
13 diversion in lieu of further criminal proceedings on the complaint and the  
14 defendant agrees to all of the terms of the proposed agreement, the  
15 diversion agreement shall be filed with the district court and the district  
16 court shall stay further proceedings on the complaint. If the defendant  
17 declines to accept diversion, the district court shall resume the criminal  
18 proceedings on the complaint.

19 (h) Except as provided in subsection (i), if a diversion agreement is  
20 entered into in lieu of further criminal proceedings alleging commission of  
21 a misdemeanor by the defendant, while under 21 years of age, under  
22 K.S.A. 2020 Supp. 21-5701 through 21-5717, and amendments thereto, or  
23 K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments  
24 thereto, the agreement shall require the defendant to participate in an  
25 alcohol and drug evaluation conducted by a licensed provider pursuant to  
26 K.S.A. 8-1008, and amendments thereto, and follow any recommendation  
27 made by the provider after such evaluation.

28 (i) If the defendant is 18 or more years of age but less than 21 years  
29 of age and allegedly committed a violation of K.S.A. 41-727, and  
30 amendments thereto, involving cereal malt beverage, the provisions of  
31 subsection (h) are permissive and not mandatory.

32 (j) If a diversion agreement is entered into in lieu of further criminal  
33 proceedings on a complaint alleging a violation of K.S.A. 2020 Supp. 21-  
34 6421, and amendments thereto, the agreement:

35 (1) Shall include a requirement that the defendant pay a fine specified  
36 by the agreement in an amount equal to an amount authorized by K.S.A.  
37 2020 Supp. 21-6421, and amendments thereto; and

38 (2) may include a requirement that the defendant enter into and  
39 complete a suitable educational or treatment program regarding  
40 commercial sexual exploitation.

41 (k) Except diversion agreements reported under subsection (l), the  
42 attorney general or county or district attorney shall forward to the Kansas  
43 bureau of investigation a copy of the diversion agreement at the time such

1 agreement is filed with the district court. The copy of the agreement shall  
2 be made available upon request to the attorney general or any county,  
3 district or city attorney or court.

4 (l) At the time of filing the diversion agreement with the district  
5 court, the attorney general or county or district attorney shall forward to  
6 the division of vehicles of the state department of revenue a copy of any  
7 diversion agreement entered into in lieu of further criminal proceedings on  
8 a complaint alleging a violation of K.S.A. 8-1567, and amendments  
9 thereto. The copy of the agreement shall be made available upon request to  
10 the attorney general or any county, district or city attorney or court.

11 Sec. 4. K.S.A. 75-5291 is hereby amended to read as follows: 75-  
12 5291. (a) (1) The secretary of corrections may make grants to counties for  
13 the development, implementation, operation and improvement of  
14 community correctional services that address the criminogenic needs of  
15 felony offenders including, but not limited to, adult intensive supervision,  
16 substance abuse and mental health services, employment and residential  
17 services, and facilities for the detention or confinement, care or treatment  
18 of offenders as provided in this section except that no community  
19 corrections funds shall be expended by the secretary for the purpose of  
20 establishing or operating a conservation camp as provided by K.S.A. 75-  
21 52,127, and amendments thereto.

22 (2) Except as otherwise provided, placement of offenders in a  
23 community correctional services program by the court shall be limited to  
24 placement of adult offenders, convicted of a felony offense:

25 (A) Who, on or after July 1, 2014, are determined to be moderate  
26 risk, high risk or very high risk by use of a statewide, mandatory,  
27 standardized risk assessment tool or instrument which shall be specified by  
28 the Kansas sentencing commission;

29 (B) whose severity level and criminal history score designate a  
30 presumptive prison sentence on either sentencing guidelines grid but  
31 receive a nonprison sentence as a result of departure;

32 (C) ~~all offenders~~ *who have been* convicted of an offense which  
33 satisfies the definition of offender pursuant to K.S.A. 22-4902, and  
34 amendments thereto, and which is classified as a severity level 7 or higher  
35 offense and who receive a nonprison sentence, regardless of the manner in  
36 which the sentence is imposed;

37 (D) ~~any offender~~ for whom a violation of conditions of release or  
38 assignment or a nonprison sanction has been established as provided in  
39 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in  
40 the offender being required to serve any time for the sentence imposed or  
41 which might originally have been imposed in a state facility in the custody  
42 of the secretary of corrections;

43 (E) *who have been* placed in a community correctional services

1 program as a condition of supervision following the successful completion  
2 of a conservation camp program;

3 (F) who have been sentenced to community corrections supervision  
4 pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2020 Supp. 21-  
5 6824, and amendments thereto; or

6 (G) who have been placed in a community correctional services  
7 program for supervision by the court pursuant to K.S.A. 8-1567, and  
8 amendments thereto.

9 ~~(3) Notwithstanding any law to the contrary and subject to the~~  
10 ~~availability of funding therefor, adult offenders sentenced to community~~  
11 ~~supervision in Johnson county for felony crimes that occurred on or after~~  
12 ~~July 1, 2002, but before July 1, 2013, shall be placed under court services~~  
13 ~~or community corrections supervision based upon court rules issued by the~~  
14 ~~chief judge of the 10<sup>th</sup> judicial district. The provisions contained in this~~  
15 ~~subsection shall not apply to offenders transferred by the assigned agency~~  
16 ~~to an agency located outside of Johnson county. The provisions of this~~  
17 ~~paragraph shall expire on July 1, 2013.~~

18 (4) Nothing in this act shall prohibit a community correctional  
19 services program from providing services to juvenile offenders upon  
20 approval by the local community corrections advisory board. Grants from  
21 community corrections funds administered by the secretary of corrections  
22 shall not be expended for such services.

23 ~~(5)(4) Nothing in this act shall prohibit a community correctional~~  
24 ~~services program from providing services to persons pursuant to a~~  
25 ~~memorandum of understanding entered into by a community correctional~~  
26 ~~services program and a county or district attorney pursuant to K.S.A. 22-~~  
27 ~~2907, and amendments thereto.~~

28 (5) The court may require an offender for whom a violation of  
29 conditions of release or assignment or a nonprison sanction has been  
30 established, as provided in K.S.A. 22-3716, and amendments thereto, to  
31 serve any time for the sentence imposed or which might originally have  
32 been imposed in a state facility in the custody of the secretary of  
33 corrections without a prior assignment to a community correctional  
34 services program if the court finds and sets forth with particularity the  
35 reasons for finding that the safety of the members of the public will be  
36 jeopardized or that the welfare of the inmate will not be served by such  
37 assignment to a community correctional services program.

38 (b) (1) In order to establish a mechanism for community correctional  
39 services to participate in the department of corrections annual budget  
40 planning process, the secretary of corrections shall establish a community  
41 corrections advisory committee to identify new or enhanced correctional  
42 or treatment interventions designed to divert offenders from prison.

43 (2) The secretary shall appoint one member from the southeast



1 community corrections region, one member from the northeast community  
2 corrections region, one member from the central community corrections  
3 region and one member from the western community corrections region.  
4 The deputy secretary of community and field services shall designate two  
5 members from the state at large. The secretary shall have final  
6 appointment approval of the members designated by the deputy secretary.  
7 The committee shall reflect the diversity of community correctional  
8 services with respect to geographical location and average daily population  
9 of offenders under supervision.

10 (3) Each member shall be appointed for a term of three years and  
11 such terms shall be staggered as determined by the secretary. Members  
12 shall be eligible for reappointment.

13 (4) The committee, in collaboration with the deputy secretary of  
14 community and field services or the deputy secretary's designee, shall  
15 routinely examine and report to the secretary on the following issues:

- 16 (A) Efficiencies in the delivery of field supervision services;
- 17 (B) effectiveness and enhancement of existing interventions;
- 18 (C) identification of new interventions; and
- 19 (D) statewide performance indicators.

20 (5) The committee's report concerning enhanced or new interventions  
21 shall address:

- 22 (A) Goals and measurable objectives;
- 23 (B) projected costs;
- 24 (C) the impact on public safety; and
- 25 (D) the evaluation process.

26 (6) The committee shall submit its report to the secretary annually on  
27 or before July 15 in order for the enhanced or new interventions to be  
28 considered for inclusion within the department of corrections budget  
29 request for community correctional services or in the department's  
30 enhanced services budget request for the subsequent fiscal year.

31 Sec. 5. K.S.A. 75-52,144 is hereby amended to read as follows: 75-  
32 52,144. (a) Drug abuse treatment programs certified in accordance with  
33 subsection (b) shall provide:

34 (1) ~~Presentence~~—Drug abuse assessments of any person who is  
35 convicted of *or being considered for a diversion agreement in lieu of*  
36 *further criminal proceedings* for a felony violation of K.S.A. 65-4160 or  
37 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior  
38 to its transfer, or K.S.A. 2020 Supp. 21-5706, and amendments thereto,  
39 and meets the requirements of K.S.A. 21-4729, prior to its repeal, ~~or~~  
40 ~~subsection (a) of K.S.A. 2020 Supp. 21-6824(a) or section 1, and~~  
41 amendments thereto;

42 (2) treatment of all persons who are convicted of *or entered into a*  
43 *diversion agreement in lieu of further criminal proceedings* for a felony

1 violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal,  
2 K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2020 Supp.  
3 21-5706, and amendments thereto, meet the requirements of K.S.A. 21-  
4 4729, prior to its repeal, ~~or~~ K.S.A. 2020 Supp. 21-6824 *or section I*, and  
5 amendments thereto, and whose sentence requires completion of a  
6 certified drug abuse treatment program, as provided in this section;

7 (3) one or more treatment options in the continuum of services  
8 needed to reach recovery: Detoxification, rehabilitation, continuing care  
9 and aftercare, and relapse prevention;

10 (4) treatment options to incorporate family and auxiliary support  
11 services; and

12 (5) treatment options for alcohol abuse when indicated by the  
13 assessment of the offender or required by the court.

14 (b) The ~~presentence~~ criminal risk-need assessment shall be conducted  
15 by a court services officer or a community corrections officer. The  
16 ~~presentence~~ drug abuse treatment program placement assessment shall be  
17 conducted by a drug abuse treatment program certified in accordance with  
18 the provisions of this subsection to provide assessment and treatment  
19 services. A drug abuse treatment program shall be certified by the  
20 secretary of corrections. The secretary may establish qualifications for  
21 the certification of programs, which may include requirements for supervision  
22 and monitoring of clients; fee reimbursement procedures; handling of  
23 conflicts of interest; delivery of services to clients unable to pay; and  
24 other matters relating to quality and delivery of services by the program.  
25 Drug abuse treatment may include community based and faith based  
26 programs. The certification shall be for a four-year period. Recertification  
27 of a program shall be by the secretary. To be eligible for certification under  
28 this subsection, the secretary shall determine that a drug abuse treatment  
29 program:

30 (1) Meets the qualifications established by the secretary;

31 (2) is capable of providing the assessments, supervision and  
32 monitoring required under subsection (a);

33 (3) has employed or contracted with certified treatment providers;  
34 and

35 (4) meets any other functions and duties specified by law.

36 (c) Any treatment provider who is employed or has contracted with a  
37 certified drug abuse treatment program who provides services to offenders  
38 shall be certified by the secretary of corrections. The secretary shall  
39 require education and training ~~which~~ *that* shall include, but not be limited to,  
40 to, case management and cognitive behavior training. The duties of  
41 providers who prepare the presentence drug abuse assessment may also  
42 include appearing at sentencing and probation hearings in accordance with  
43 the orders of the court, monitoring offenders in the treatment programs,

1 notifying the probation department and the court of any offender failing to  
2 meet the conditions of probation or referrals to treatment, appearing at  
3 revocation hearings as may be required and providing assistance and data  
4 reporting and program evaluation.

5 (d) (1) The cost for all drug abuse assessments performed pursuant to  
6 subsection (a)(1), and the cost for all certified drug abuse treatment  
7 programs for any person who meets the requirements of K.S.A. 2020  
8 Supp. 21-6824 *or section 1*, and amendments thereto, shall be paid by the  
9 Kansas sentencing commission from funds appropriated for such purpose.  
10 The Kansas sentencing commission shall contract for payment for such  
11 services with the supervising agency.

12 (2) The sentencing court shall determine the extent, if any, that such  
13 person is able to pay for such assessment and treatment. Such payments  
14 shall be used by the supervising agency to offset costs to the state. If such  
15 financial obligations are not met or cannot be met, the sentencing court  
16 shall be notified for the purpose of collection or review and further action  
17 on the offender's sentence.

18 (3) *If the person has entered into a diversion agreement in lieu of*  
19 *further criminal proceedings, the county or district attorney shall*  
20 *determine the extent, if any, that such person is able to pay for such*  
21 *assessment and treatment. Such payments shall be used by the supervising*  
22 *agency to offset costs to the state or county. If such financial obligations*  
23 *are not met or cannot be met, the county or district attorney shall be*  
24 *notified for the purpose of collection or review and further action on the*  
25 *person's diversion agreement.*

26 (e) The community corrections staff shall work with the substance  
27 abuse treatment staff to ensure effective supervision and monitoring of the  
28 offender.

29 (f) The secretary of corrections is hereby authorized to adopt rules  
30 and regulations to carry out the provisions of this section.

31 Sec. 6. K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020  
32 Supp. 22-2909 are hereby repealed.

33 Sec. 7. This act shall take effect and be in force from and after its  
34 publication in the statute book.