

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2128

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2128, as amended, would amend law related to jurisdiction and supervision of participants in the nonprison sanction of placement in a certified drug abuse treatment program.

Certified Drug Abuse Treatment Program Jurisdiction

The bill would provide that, when a defendant is sentenced to the nonprison sanction of placement in a certified drug abuse treatment program, the district court from which the defendant is on parole, on probation, assigned to a community correctional services program, or under a suspended sentence, may transfer jurisdiction of the defendant with the concurrence of the receiving district court and all parties.

The bill would specify that, if an offender is permitted to leave the judicial district of the sentencing court, the court may:

- Transfer supervision over the offender from that judicial district to another; and
- Either transfer or retain jurisdiction of the offender.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

SB 123 (2003) created a nonprison sanction of certified substance abuse treatment for certain drug offenders. Commonly referred to as the “Senate Bill 123 Program,” this program is administered by the Kansas Sentencing Commission.

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on February 1, 2021, a representative of the Kansas Sentencing Commission testified as a **proponent** of the bill. A representative of the Kansas Community Corrections Association submitted written **proponent** testimony. No other testimony was provided.

The House Committee amended the bill to remove provisions related to participation in the certified drug abuse treatment program by nondrug offenders.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill as introduced, the Office of Judicial Administration indicates the enactment of the bill could affect the amount of time spent by court services officers in supervision of offenders but would have a negligible fiscal effect.

The Kansas Sentencing Commission (Commission) indicates the bill may reduce prison admissions and beds, but an estimate could not be determined. The Commission also estimates the bill could increase the number of SB 123 Program drug treatment offenders by either 238, 476, or 713

persons in FY 2022. The Commission estimates additional State General Fund expenditures of \$748,034, \$1,492,925, or \$2,239,952 in FY 2022 depending on which scenario occurs. The Commission states the average cost of treatment in the SB 123 Drug Treatment Program is \$3,143 per offender in FY 2019.

The Kansas Department of Corrections indicates the bill will have no fiscal effect.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Drug abuse treatment program; jurisdiction; SB 123 program