

**SENATE JUDICIARY COMMITTEE**  
**Senator Kellie Warren, Chair**

**KANSAS SENTENCING COMMISSION**  
**Scott M. Schultz, Executive Director**  
**March 9, 2023**

**Proponent Testimony – HB 2070**

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill allows for the expansion of SB 123 substance abuse treatment to offenders convicted of certain nondrug, nonperson crimes. See attached Appendix E 2022 nondrug sentencing grid. The House passed HB 2070 unanimously 123-0.

In addition to continued support for state-paid drug abuse treatment for drug possession and small sale offenders, the Commission also supports the expansion of the SB 123 program to nondrug offenses. In this proposal, offenders convicted of nonperson severity level 7-10 offenses that meet requirements similar to current SB 123 criteria, would be eligible for substance abuse treatment.

Since its inception in 2003, the SB 123 program has been administered by the Sentencing Commission. We have approximately 120 certified substance abuse treatment providers throughout the state providing varying levels of treatment to offenders, from inpatient to outpatient treatment. This proposal would extend this same benefit to those convicted of low-level nondrug, nonperson offenses if they were assessed to have needs that warrant similar treatment. Those who are convicted of drug crimes are not the only Kansans experiencing drug addiction and drug abuse. Nondrug offenses, such as thefts, forgeries, and burglaries are also committed to perpetuate drug habits. This behavior is often many times stronger than the will to voluntarily seek help. Around 85% of all felony offenders are represented by appointed counsel because they are indigent. Most do not have insurance to cover the cost of mental health or substance abuse treatment. Expanding SB 123 treatment to these offenders will provide up to 18 months of needed paid treatment and free up local community resources to supervise other offenders.

It is acknowledged there is a fiscal price tag to this bill. The Commission believes that the cost/benefit of treating an offender in the community rather than revoking them to an expensive prison sanction pays for itself. If these offenders receive community treatment, they can begin the process to gain and maintain employment, thereby alleviating the need for them to continue to be a burden on the criminal justice system.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.

## SENTENCING RANGE – NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanor	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

**Probation Terms are:**

- 36 months recommended for felonies classified in Severity Levels 1-5
- 24 months recommended for felonies classified in Severity Levels 6-7
- 18 months (up to) for felonies classified in Severity Level 8
- 12 months (up to) for felonies classified in Severity Levels 9-10

**Postrelease Supervision Terms are:**

- 36 months for felonies classified in Severity Levels 1-4
- 24 months for felonies classified in Severity Levels 5-6
- 12 months for felonies classified in Severity Levels 7-10

All nonperson felonies

All nonperson felonies

- Postrelease for felonies committed before 4/20/95 are:**
- 24 months for felonies classified in Severity Levels 1-6
  - 12 months for felonies classified in Severity Level 7-10

LEGEND
Presumptive Probation
Border Box
Presumptive Imprisonment