

**Senate Judiciary Committee
March 9, 2023**

**House Bill 2070
Testimony of the BIDS Legislative Committee
Presented by James Houston Bales
Proponent**

Chairperson Warren and Members of the Committee:

HB 2070 proposes an expansion of the mandatory drug treatment provisions in K.S.A. 21-6824, often referred to as “SB 123 treatment.” Instead of limiting the availability of these programs to people convicted of drug-specific offenses, this expansion would allow many people for whom substance abuse is an underlying motivator for their low-level nonperson offenses to access the same treatment programs. The BIDS Legislative Committee is in favor of this proposal.

In courtrooms across the state, people frequently come before sentencing judges guilty of property crimes that reflect not a desire to steal for theft’s sake, but an underlying substance abuse problem that has damaged their ability to function as productive members of society. Drug abuse evaluations and interviews with people in this situation immediately reveal a substance abuse issue, but because they were not caught with drugs (resulting in a charge for possession), they are currently foreclosed from the statutory drug treatment program. This bill would bridge that divide, and allow people to engage in treatment programs designed to address the root cause of criminality instead of simply addressing the results alone and hoping for a change in the underlying behavior.

With the creation of the 2003 SB 123 program almost 20 years ago, the Legislature clearly communicated its intent that people struggling with substance abuse should be helped with community rehabilitation. Expanding the statutory drug treatment program is another expression of that same impulse to give Kansans caught in a terrible cycle of substance dependency the choice and support necessary, should they choose to take it, to break that cycle. The shift from a presumption of probation to a mandatory placement on probation simply reaffirms your commitment to building a state where everyone can get the help they need if they will only reach out and take advantage of your generous support.

Someone might raise a concern that this expansion of people eligible for mandatory probation might limit the options available to a judge at sentencing. In reality, the difference between presumptive probation and mandatory probation is a minimal distinction; there are already ways for courts to order probation when faced with a special sentencing rule. Importantly, making SB 123 treatment mandatory for people convicted of certain low-level nonperson offenses who might otherwise be subject to a special rule will make it possible for them to get treatment that they would not get in prison. Furthermore, it is a good investment of our tax dollars to give people treatment in the community rather than sending them to prison: the average cost of providing a person SB 123 treatment in FY 2022 was \$4,057, versus the average cost to imprison someone in FY 2022 was \$37,302.53—prison is over nine times more expensive.¹

What this bill represents is a reaffirmation of the principle that you have enshrined into law time and again: that our communities are worth the effort to heal and repair. This bill is another recognition of the fact that some people simply need some extra help in their rehabilitation, and that whether or not a person was caught with drugs on them should not be the key behind which we lock treatment for the same addiction.

For the above reasons, the BIDS Legislative Committee supports this proposed legislation. Thank you for your time.

James Houston Bales
jbales@sbids.org
316-264-8700 ext. 229

¹ Kansas Sentencing Commission, Prison Bed Space Impact Assessment, January 22, 2023, p. 1; Kansas Department of Corrections, Annual Report Fiscal Year 2022, p. 44.