

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2601

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2601 would amend law related to the crime of driving under the influence (DUI) by requiring certain persons with a felony DUI conviction to participate in a multidisciplinary model of substance use disorder treatment.

Under continuing law, conviction of a DUI is a severity level 6 nonperson felony if:

- Upon a third conviction, the person had a prior conviction within the preceding ten years, not including periods of incarceration; or
- Upon a fourth or subsequent conviction of DUI.

Probation Conditions

Risk and Needs Assessment

The bill would require, if a person convicted of a felony DUI has been granted probation, a risk assessment tool specified by the Kansas Sentencing Commission to be used to determine the person's risk and needs. The court would, then, be required to determine supervision of the person by either community correctional services or court services, based upon the determined risk and needs of the person.

*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>

Multidisciplinary Model of Services

The bill would require the person under probation supervision to participate in a multidisciplinary model of services for substance abuse disorders facilitated by a care coordination agency designated by the Kansas Department for Aging and Disability Services (KDADS).

The bill would require the model of services to include assessment and, if appropriate, referral to community-based substance use disorder treatment, including recovery management and mental health counseling as needed. The bill would require members of the multidisciplinary team to include:

- The designated care coordination agency;
- The supervision officer;
- The KDADS designated treatment provider; and
- The person.

Technical and Conforming Amendments

The bill would make technical amendments throughout the bill to ensure consistency in statutory phrasing and conforming amendments to implement the provisions of the bill.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Association of Addiction Professionals.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was provided by representatives of the Behavioral Health Association of Kansas, the Kansas Association of Addiction Professionals, and the Kansas Association of Court Services Officers. The proponents indicated multidisciplinary services have been provided by local organizations and that such services include treatment, counseling, peer services, and case updates. The proponents expressed their desire to implement these services statewide.

Written-only proponent testimony was provided by representatives of the DUI Victims Center of Kansas, Heartland Regional Alcohol & Drug Assessment Center, KDADS, and the Substance Abuse Center of Kansas and by a representative of the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and the Kansas Sheriffs Association.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Kansas Department of Corrections (KDOC) indicates the bill would have a fiscal effect on its operations that cannot be estimated. The agency stated it has entered into a memorandum of agreement with KDADS to provide reimbursement for appropriately documented services provided to third-time misdemeanor DUI offenders. However, KDOC offenders would not be covered by provisions of the bill and payment for such services likely would be provided by another agency.

KDADS indicates the bill may increase agency expenditures depending on the number of offenders requiring services, but a fiscal effect could not be estimated. The

Judicial Branch indicated enactment of the bill would not have a fiscal effect on its operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill could increase county government expenditures on community corrections services, but a fiscal effect could not be estimated.

Driving under the influence; substance use; multidisciplinary model; risk assessment