

SESSION OF 2015

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2052

As Amended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2052, as amended, would make adult offenders placed on diversion for felony possession of a controlled substance on or after July 01, 2015, eligible to receive the non-prison sanction of placement in a certified drug abuse treatment program for up to 18 months while being supervised by community correctional services.

Background

This bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (KSC). As introduced, the bill also would have allowed diversions granted on or after July 01, 2015, for felony possession of controlled substance to be scored as a nonperson felony adult conviction when determining the criminal history of the offender.

In the House Committee, the executive director of the KSC testified as a proponent, explaining the bill would allow offenders to receive treatment under the 2003 SB 123 drug treatment program. A representative of the Kansas Association of Criminal Defense Lawyers testified as an opponent of the criminal history provision.

The House Committee amended the bill by striking the language that would score diversions for felony drug

*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>

possession as nonperson felony convictions for purposes of determining criminal history.

According to the KSC's Prison Bed Impact Assessment, this bill will impact prison admissions and bed space but the impact cannot be determined at this time. This bill will impact the journal entry workload of the KSC. This bill also will increase the number of 2003 SB 123 drug treatment offenders and the budget of the KSC. However, the exact impact cannot be determined at this time.

According to the fiscal note prepared by the Division of the Budget, the precise fiscal effect of the bill on the community corrections program in the Department of Corrections cannot be determined because the number of offenders that would be placed on diversion and supervised by community corrections services is unknown. This bill would have no fiscal effect on the Judicial Branch and no fiscal effect on local governments.

If the bill requires additional prison beds, there would be a fiscal effect for the Department of Corrections. As of January 12, 2015, available prison bed capacity is 9,636. Based upon the Sentencing Commission's most recent 10-year projection, the year-end population will exceed available male capacity by 85 inmates in FY 2015, 109 inmates in FY 2016, and 162 inmates in FY 2017. Additional prison bed space would incur contract bed costs or construction costs. Additional prison commitments could require additional staff and resources to supervise parolees.

Any fiscal effect associated with this bill is not reflected in *The FY 2016 Governor's Budget Report*.