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MEMORANDUM

To: House Judiciary Committee
From: Natalie Scott, Assistant Revisor of Statutes
Date: February 19, 2019
Subject: Bill Brief on HB 2292

HB 2292 allows county and district attorneys to contract with court services and community corrections for supervision of people on diversion.

Section 1 amends K.S.A. 21-6824, the certified drug abuse treatment program, which is commonly referred to as SB 123 treatment, to allow people on diversion to receive treatment under the program. The person would have to be diverted for an offense that falls into grid blocks 5-C through 5-I and be assessed as high risk on a drug abuse assessment and moderate to high risk on the criminal risk-need assessment. The treatment shall not exceed 18 months.

Section 2 amends K.S.A. 22-2907 to allow county and district attorneys to enter into a memorandum of understanding with court services or community corrections to assist with supervision of people on diversion. The county or district attorney shall retain authority over whether the defendant is offered diversion and the terms of the agreement. A memorandum of understanding needs to include provisions related to determining the level of supervision needed for a defendant, use of a criminal risk-need assessment and payment of costs for supervision.

Section 3 amends K.S.A. 22-2909 to provide that diversion agreements may include provisions related to supervision by the county or district attorney, court services, or community corrections and payment of costs associated with the supervision.

Section 4 amends K.S.A. 75-5291 to provide that community correctional services programs can provide services to people on diversion pursuant to a memorandum of understanding entered into by the program and a county or district attorney.

Section 5 amends K.S.A. 75-52,144 to allow the certified drug treatment program to provide assessment and treatment of people who have entered into diversion agreements. It also provides that the county or district attorney shall determine whether a person on diversion is able to pay for assessment and treatment. Such payments shall be used by the supervising agency to offset costs. If the financial obligation cannot be met, the county or district attorney shall be notified for the purpose of collection or review and further action on the person's diversion agreement.