

HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE
Representative Russ Jennings, Chairman

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 1, 2021

Proponent Testimony – HB 2128

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill allows for post-sentence transfer of jurisdiction and supervision for 2003 SB 123 offenders. It also expands SB 123 treatment to offenders convicted of certain nondrug, nonperson crimes.

Post-Sentence Transfer of Jurisdiction in SB 123 cases

Specifically, two statutes are affected. K.S.A. 2020 Supp. 21-6610 is amended to allow the originating district court to transfer jurisdiction to another district court for offenders sentenced under K.S.A. 21-6824 (SB 123) with the concurrence of the receiving district court and all parties.

Courtesy supervision by probation officers occurs regularly with judicial districts after sentencing and may be utilized where an offender does not reside in the jurisdiction in which the criminal conduct occurred. If an offender is on courtesy supervision and violates a term or condition of probation, that offender is required to report back to the original jurisdiction where the crime occurred. The supervising probation officer providing courtesy supervision may also be required to travel to that jurisdiction to testify regarding the wrongful conduct, thereby incurring time and travel costs.

Under this proposal, when an offender is sentenced to SB 123 substance abuse treatment, the bill allows the sentencing court to not only transfer supervision, which is the law now, but also transfer jurisdiction to the court in which the offender resides. This would allow the court and probation office where the offender resides to hold any subsequent revocation hearings. The Commission recommends this proposal to encourage judicial economy as any violations of probation will most likely occur in the jurisdiction where the offender resides. This would provide for ease in the administration of justice and would allow the court in the jurisdiction in which the offender lives to best sanction the offender. Simply put, public safety concerns would be better addressed in the offender's hometown.

Transfers under this proposal are for SB 123 only and are not mandatory. All parties, the receiving and sending jurisdictions, must agree to transfer jurisdiction.

SB 123 Treatment Expansion to Certain Nondrug Offenders

In addition to continued support for state-paid drug abuse treatment, 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 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 140 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 and behavior that 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.