

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

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**MEMORANDUM**

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 10, 2021

Subject: Bill Brief on HB 2146

HB 2146 expands the number of presumptive probation and border boxes on the sentencing grid for drug crimes.

Current law in K.S.A. 21-6805 provides that grid blocks 5-C, 5-D, 4-E, 4-F, 4-G, 4-H and 4-I are border boxes and grid blocks 5-E, 5-F, 5-G, 5-H and 5-I are presumptive probation boxes. This bill would change grid blocks 5-A and 5-B from presumptive imprisonment to presumptive probation and 5-C and 5-D from border boxes to presumptive probation. Grid blocks 4-E and 4-F would remain border boxes, and grid block 3-G would be changed from presumptive imprisonment to a border box. Finally, grid blocks 3-H and 3-I would be changed from presumptive imprisonment to presumptive probation.

Section 2 amends K.S.A. 21-6824 to allow the people who would not be possibly sentenced to probation under the new grid to be sentenced to the certified drug abuse treatment program. Offenders in grid blocks 5-A and 5-B would be allowed to be sentenced to the program without a finding that the safety of the public will not be jeopardized. Offenders in grid blocks 3-G, 3-H and 3-I would become eligible to participate in the program if the court makes a finding that the safety of the public will not be jeopardized.