

HOUSE BILL No. 2128

By Committee on Corrections and Juvenile Justice

1-25

Proposed Amendments to HB 2128 - expansion
House Corrections and Juvenile Justice
Prepared by the Office of Revisor of Statutes
February 15, 2021

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to certified drug abuse treatment programs; supervision and
3 jurisdiction; ~~allowing certain nondrug offenders to participate in the~~
4 ~~certified drug abuse treatment program;~~ amending K.S.A. 2020 Supp.
5 21-6610 and 21-6824 and repealing the existing sections.
6

strike

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2020 Supp. 21-6610 is hereby amended to read as
9 follows: 21-6610. (a) When a defendant is placed on parole by the district
10 court, on probation, assigned to a community correctional services
11 program by a district court or under suspended sentence and such
12 defendant is permitted to go from the judicial district of that court,
13 supervision over the defendant may be transferred from that judicial
14 district to another with the concurrence of the receiving chief court
15 services officer, or if in a community corrections services program, by the
16 concurrence of the director of the receiving program.

17 (b) The district court from which the defendant is on parole,
18 probation, community correctional services program or suspended
19 sentence may retain jurisdiction of the defendant.

20 (c) *When a defendant described in subsection (a) is sentenced*
21 *pursuant to K.S.A. 2020 Supp. 21-6824, and amendments thereto, the*
22 *district court from which the defendant is on parole, on probation,*
23 *assigned to a community correctional services program or under*
24 *suspended sentence may transfer jurisdiction of the defendant with the*
25 *concurrence of the receiving district court and all parties.*

26 Sec. 2. K.S.A. 2020 Supp. 21-6824 is hereby amended to read as
27 follows: 21-6824. (a) There is hereby established a nonprison sanction of
28 certified drug abuse treatment programs for certain offenders who are
29 sentenced on or after November 1, 2003. Placement of offenders in
30 certified drug abuse treatment programs by the court shall be limited to
31 placement of adult offenders, convicted of a felony violation of K.S.A.
32 2020 Supp. 21-5705 or 21-5706, and ~~amendments thereto, whose offense~~
33 ~~is classified in grid blocks:~~

, whose offense is classified in grid blocks

34 (1) ~~(A) Whose offense is classified in grid blocks:~~

35 ~~(i) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines~~
36 ~~grid for drug crimes; or~~

1 ~~(ii) 10-C, 10-D, 10-E, 10-F, 10-G, 10-H, 10-I, 9-C, 9-D, 9-E, 9-F, 9-~~
 2 ~~G, 9-H, 9-I, 8-C, 8-D, 8-E, 8-F, 8-G, 8-H, 8-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H~~
 3 ~~or 7-I of the sentencing guidelines grid for nondrug crimes and classified~~
 4 ~~as a nonperson offense; and~~

such offender

5 ~~(B) such offender who~~ has no felony conviction of K.S.A. 65-4142,
 6 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010
 7 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A.
 8 2020 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any
 9 substantially similar offense from another jurisdiction; or

, such offender

10 (2) ~~(A) Whose offense is classified in grid block:~~

11 ~~(i) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines~~
 12 ~~grid for drug crimes; such offender; or~~

13 ~~(ii) 10-A, 10-B, 9-A, 9-B, 8-A, 8-B, 7-A or 7-B of the sentencing~~
 14 ~~guidelines for nondrug crimes and classified as a nonperson offense; and~~

15 ~~(B) who~~ has no felony conviction of K.S.A. 65-4142, 65-4159, 65-
 16 4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-
 17 36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp.
 18 21-5703, 21-5705 or 21-5716, and amendments thereto, or any
 19 substantially similar offense from another jurisdiction, if the person
 20 felonies in the offender's criminal history were severity level 8, 9 or 10 or
 21 nongrid offenses of the sentencing guidelines grid for nondrug crimes;;
 22 and

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23 ~~(C)~~ the court finds and sets forth with particularity the reasons for
 24 finding that the safety of the members of the public will not be jeopardized
 25 by such placement in a drug abuse treatment program.

26 (b) As a part of the presentence investigation pursuant to K.S.A. 2020
 27 Supp. 21-6813, and amendments thereto, offenders who meet the
 28 requirements of subsection (a), unless otherwise specifically ordered by
 29 the court, shall be subject to:

30 (1) A drug abuse assessment which shall include a clinical interview
 31 with a mental health professional and a recommendation concerning drug
 32 abuse treatment for the offender; and

33 (2) a criminal risk-need assessment. The criminal risk-need
 34 assessment shall assign a high or low risk status to the offender.

35 (c) If the offender is assigned a high risk status as determined by the
 36 drug abuse assessment performed pursuant to subsection (b)(1) and a
 37 moderate or high risk status as determined by the criminal risk-need
 38 assessment performed pursuant to subsection (b)(2), the sentencing court
 39 shall commit the offender to treatment in a drug abuse treatment program
 40 until the court determines the offender is suitable for discharge by the
 41 court. The term of treatment shall not exceed 18 months. The court may
 42 extend the term of probation, pursuant to K.S.A. 2020 Supp. 21-6608(c)
 43 (3), and amendments thereto. The term of treatment may not exceed the