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February 10, 2021

**Testimony Regarding HB 2026
Submitted by Marc Bennett, District Attorney
Eighteenth Judicial District
Chairman, Kansas Criminal Justice Reform Commission**

Senator Warren and Members of Senate Judiciary Committee, thank you for the opportunity to address HB 2026. This proposal is the product of an effort made by the Kansas Criminal Justice Reform Commission to address concepts first introduced to the Kansas legislature in 2019 through then HB 2292 and in 2020 through HB 2708.

Currently in Kansas, when an adult is charged with a crime, three options exist to resolve the matter: (1) conviction (via trial or plea); (2) diversion (per 22-2907-2912); or (3) dismissal. HB 2026 is designed to expand the availability of the diversion option across the state.

Currently, when diversion is offered to a defendant in a criminal case, the county/ district attorney is responsible for supervision of the divertee. A few offices have staff allocated for this purpose but, in a state where the vast majority of prosecutor's offices are staffed by a single prosecutor (many of whom are part time), very few offices have sufficient staff to supervise criminal diversions.

HB 2026 proposes to allow prosecution offices to enter into an MOU with either court services or community corrections offices to supervise divertees. This practice has been undertaken in at least one jurisdiction in Kansas where court services has agreed to accept supervision of diversions authorized by the county attorney. HB 2026 would give explicit statutory authority to this practice statewide.

HB 2026 specifically authorizes the utilization of funds to assist divertees entrance into "drug abuse treatment programs." This accomplishes two goals: first, expansion of the availability of diversion for individuals whose substance abuse issues would otherwise be an impediment to admission into and successful completion of a diversion program; and second, it directly addresses one of the biggest crime drivers in Kansas today-drug addiction.

The Kansas Criminal Justice Reform Commission identified the issues raised in HB 2026 as concepts that afford an easily identifiable opportunity to the legislature to expand the availability of an alternative to incarceration for Kansans entering the criminal justice system. As such, the Reform Commission made this a priority for the 2020 Legislative Session that passed the House 125 - 0 only to be left on the cutting room floor as the legislature adjourned prematurely due to the COVID 19 pandemic. I encourage you to pass HB 2026 out favorably to the full House for consideration.

Thank you for your time, attention and consideration in this matter.

Respectfully submitted,



Marc Bennett, District Attorney
Eighteenth Judicial District
Chairman

Kansas Criminal Justice Reform Commission