

SENATE JUDICIARY COMMITTEE
Senator Kellie Warren, Chair

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 10, 2021

Proponent Testimony – HB 2026

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission (KSSC). This bill establishes a certified substance abuse treatment program for certain persons who enter into a diversion agreement in lieu of further criminal proceedings. The KSSC joins the Kansas Criminal Justice Reform Commission in its recommendation of this bill from its final report to the 2021 Legislature. A similar bill, 2020 HB 2708, received unanimous support and passed out of the House 125-0 last year.

The bill supports the position that state-paid substance abuse treatment should be expanded and offered through a diversion agreement run by local prosecutors in lieu of further criminal proceedings. The bill provides that placement of divertees in the certified drug abuse treatment program is limited to placement of adults for a felony violation of K.S.A. 2020 Supp. 21-5706 (possession of a controlled substance).

Advantages of this bill

- incentivizes prosecutors to divert felony possession offenders from the system before costly trial proceedings. Substance abuse treatment is paid for by the state, which would allow local community resources and for more offenders;
- encourages offenders to complete substance abuse treatment by avoiding a felony drug conviction if they are successful and compliant with the terms of the diversion agreement. A felony conviction could significantly affect their ability to seek employment and housing, thereby reducing their chances to be successful;
- allows for a shorter period from arrest to treatment of the offender;
- allows for more court time spent on violent offenders; and
- enjoys support from the probation community. Court services and community corrections have provided valuable input and provisions within the bill are reflective of both parties' support to accomplish effective supervision during the term of diversion.

The KSSC estimates the number of offenders in the program may be 25, 50, or 75 in FY 2022. Considering an average annual cost of \$3,535 per offender in the SB 123 program, this bill would require additional SGF funding to the KSSC of \$88,368, \$176,737, or \$265,105 in FY 2022 going forward, depending upon the number of offenders accepted on diversion. The Commission possesses the infrastructure to administer this diversion substance abuse treatment program in the same manner that it handles almost \$9 million in the 2003 SB 123 payment system. It is anticipated the same treatment providers, modalities and costs will be maintained for this program.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support of the bill, and would be happy to answer questions. Thank you.