

As Amended by House Committee

Session of 2022

HOUSE BILL No. 2517

By Committee on Corrections and Juvenile Justice

1-20

1 AN ACT concerning the certified drug abuse treatment program; relating  
2 to program qualifications; transferring certification duties from the  
3 department of corrections to the Kansas sentencing commission;  
4 amending K.S.A. 2021 Supp. 21-6824, **21-6825** and 75-52,144 and  
5 repealing the existing sections.  
6

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

8 Section 1. K.S.A. 2021 Supp. 21-6824 is hereby amended to read as  
9 follows: 21-6824. (a) There is hereby established a nonprison sanction of  
10 certified drug abuse treatment programs for certain offenders who are  
11 sentenced on or after November 1, 2003. Placement of offenders in  
12 certified drug abuse treatment programs by the court shall be limited to  
13 placement of adult offenders, convicted of a felony violation of K.S.A.  
14 2021 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense  
15 is classified in grid blocks:

16 (1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines  
17 grid for drug crimes and such offender has no felony conviction of K.S.A.  
18 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal,  
19 K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer,  
20 or K.S.A. 2021 Supp. 21-5703, 21-5705 or 21-5716, and amendments  
21 thereto, or any substantially similar offense from another jurisdiction; or

22 (2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines  
23 grid for drug crimes, such offender has no felony conviction of K.S.A. 65-  
24 4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A.  
25 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or  
26 K.S.A. 2021 Supp. 21-5703, 21-5705 or 21-5716, and amendments  
27 thereto, or any substantially similar offense from another jurisdiction, if  
28 the person felonies in the offender's criminal history were severity level 8,  
29 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug  
30 crimes, and the court finds and sets forth with particularity the reasons for  
31 finding that the safety of the members of the public will not be jeopardized  
32 by such placement in a drug abuse treatment program.

33 (b) As a part of the presentence investigation pursuant to K.S.A. 2021  
34 Supp. 21-6813, and amendments thereto, offenders who meet the  
35 requirements of subsection (a), unless otherwise specifically ordered by  
36 the court, shall be subject to:

1 probation hearings in accordance with the orders of the court, monitoring  
2 offenders in the treatment programs, notifying the probation department  
3 and the court of any offender failing to meet the conditions of probation or  
4 referrals to treatment, appearing at revocation hearings as may be required  
5 and providing assistance and data reporting and program evaluation.

6 (d) (1) The cost for all drug abuse assessments performed pursuant to  
7 subsection (a)(1), and the cost for all certified drug abuse treatment  
8 programs for any person who meets the requirements of K.S.A. 2021  
9 Supp. 21-6824 or 21-6825, and amendments thereto, shall be paid by the  
10 Kansas sentencing commission from funds appropriated for such purpose.  
11 The Kansas sentencing commission shall contract for payment for such  
12 services with the supervising agency.

13 (2) The sentencing court shall determine the extent, if any, that such  
14 person is able to pay for such assessment and treatment. Such payments  
15 shall be used by the supervising agency to offset costs to the state. If such  
16 financial obligations are not met or cannot be met, the sentencing court  
17 shall be notified for the purpose of collection or review and further action  
18 on the offender's sentence.

19 (3) If the person has entered into a diversion agreement in lieu of  
20 further criminal proceedings, the county or district attorney shall  
21 determine the extent, if any, that such person is able to pay for such  
22 assessment and treatment. Such payments shall be used by the supervising  
23 agency to offset costs to the state or county. If such financial obligations  
24 are not met or cannot be met, the county or district attorney shall be  
25 notified for the purpose of collection or review and further action on the  
26 person's diversion agreement.

27 (e) The community corrections staff shall work with the substance  
28 abuse treatment staff to ensure effective supervision and monitoring of the  
29 offender.

30 (f) ~~The secretary of corrections~~ *Kansas sentencing commission* is  
31 hereby authorized to adopt rules and regulations to carry out the provisions  
32 of this section.

33 ~~Sec. 3.~~ **4.** K.S.A. 2021 Supp. 21-6824, **21-6825** and 75-52,144 are  
34 hereby repealed.

35 ~~Sec. 4.~~ **5.** This act shall take effect and be in force from and after its  
36 publication in the ~~statute book.~~

Kansas register