

**HOUSE CORRECTIONS AND JUVENILE JUSTICE COMMITTEE**  
**Rep. Russell Jennings, Chairman**

**KANSAS SENTENCING COMMISSION**  
**Scott M. Schultz, Executive Director**  
**February 7, 2017**

**Proponent Testimony – HB 2087**

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. It is the statutory charge of the Commission to recommend solutions to maintain the sentencing guidelines and further public safety by supporting the incarceration of the most violent offenders in the state's criminal justice system.

The Commission introduced this bill that amends K.S.A. 2016 Supp. 21-6824, commonly referred to as the 2003 SB 123 substance abuse treatment program, by expanding court ordered placement of offenders in certified drug abuse treatment programs to certain persons who enter into a diversion agreement in lieu of further criminal proceedings. Placement of divertees in certified drug abuse treatment programs shall be limited to placement of adults on a complaint alleging a felony violation of K.S.A. 2016 Supp. 21-5706 (possession of a controlled substance).

A few of the advantages of this bill:

- Incentivizes prosecutors to divert felony possession offenders from the system prior to costly trial proceedings. Substance abuse treatment is paid for by the state, allowing more local community resources to be used on other offenders;
- incentives offenders to complete substance abuse treatment by not receiving a felony drug conviction if they are successful and comply with the terms of the agreement;
- allows for time shortening between time of arrest to time of treatment of the offender;
- allows for more court time spent on violent offenders; and
- no additional supervision staff will be needed as those community corrections officers supervising divertees would be the same officers that would currently supervise them post-conviction.

It is acknowledged that additional costs during the application for diversion, such as court services administering the required LSI-R assessment to determine SB 123 eligibility. Implementing a cost for services as part of the diversion fee would satisfy this concern. If necessary, a supervision fee by community corrections could also be instituted to cover their costs.

Expanding the SB 123 program will save indirect costs of formal prosecution in district courts, resulting in time savings for all stakeholders. Passage of the bill will provide time and resource savings at the district court level and would provide an avenue for offenders to receive treatment more quickly. 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.