

HOUSE BILL No. 2088

By Committee on Corrections and Juvenile Justice

I-18

Proposed Amendments to HB 2088 - Finch
House Corrections and Juvenile Justice
Prepared by: Natalie Scott, Assistant Revisor
February 6, 2018

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to sentencing; certified drug abuse treatment programs; amending
3 K.S.A. 2016 Supp. 21-6824 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2016 Supp. 21-6824 is hereby amended to read as
7 follows: 21-6824. (a) There is hereby established a nonprison sanction of
8 certified drug abuse treatment programs for certain offenders who are
9 sentenced on or after November 1, 2003. Placement of offenders in
10 certified drug abuse treatment programs by the court shall be limited to
11 placement of adult offenders, convicted of a felony violation of ~~K.S.A. 65-~~
12 ~~4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior~~
13 ~~to its transfer, or~~ K.S.A. 2016 Supp. 21-5706, and amendments thereto,
14 *whose offense is classified in grid blocks:*

15 (1) ~~Whose offense is classified in grid blocks 5-C, 5-D, 5-E, 5-F, 5-G,~~
16 ~~5-H or 5-I of the sentencing guidelines grid for drug crimes and such~~
17 ~~offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161,~~
18 ~~65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03,~~
19 ~~21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2016 Supp. 21-~~
20 ~~5703, 21-5705 or 21-5716, and amendments thereto, or any substantially~~
21 ~~similar offense from another jurisdiction; or~~

22 (2) ~~whose offense is classified in grid blocks 5-A, or 5-B, 4-A, 4-B, 4-~~
23 ~~C, 4-D, 4-E, 4-F, 4-G, 4-H, or 4-I of the sentencing guidelines grid for~~
24 ~~drug crimes, such offender has no felony conviction of K.S.A. 65-4142,~~
25 ~~65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010~~
26 ~~Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A.~~
27 ~~2016 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any~~
28 ~~substantially similar offense from another jurisdiction, if the person~~
29 ~~felonies in the offender's criminal history were severity level 8, 9 or 10 or~~
30 ~~nongrid offenses of the sentencing guidelines grid for nondrug crimes, and~~
31 ~~the court finds and sets forth with particularity the reasons for finding that~~
32 ~~the safety of the members of the public will not be jeopardized by such~~
33 ~~placement in a drug abuse treatment program.~~

34 (b) As a part of the presentence investigation pursuant to K.S.A. 2016
35 Supp. 21-6813. and amendments thereto, offenders who meet the
36 requirements of subsection (a), unless otherwise specifically ordered by

strike

