

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
*Legislative Attorneys transforming ideas into legislation.*

---

300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

---

**MEMORANDUM**

To: Senate Committee on Judiciary  
From: Jenna Moyer, Assistant Revisor of Statutes  
Date: March 14, 2018  
Subject: HB 2088 - Allowing use of certified drug abuse treatment program for drug severity level 4 crimes.

HB 2088 would allow people convicted of drug severity level 4 felonies to participate in the certified drug abuse treatment program, commonly referred to as SB 123 treatment.

Under current law in K.S.A. 21-6824, only offenders whose convictions are for drug severity level 5 felonies can participate in the certified drug abuse treatment program. As proposed, this bill would have allowed offenders whose conviction is for a drug severity level 4 felony to participate in the program if the “court sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.” The house committee amended the bill by restricting offenders who are eligible for the expansion to only those with a criminal history of “E” or lower.