

**House Corrections and Juvenile Justice Committee
February 7, 2017
House Bill 2087**

**Testimony of the
Kansas Association of Criminal Defense Lawyers
Proponent**

Dear Chairman Jennings and Members of the Committee:

At this time, SB 123 monies cannot be used for diversion. HB 2087 would expand the SB 123 treatment program to include people granted diversion for possession of drugs pursuant to K.S.A. 21-5706 who would fall into drug grid boxes C-I. The bill does not require that diversion be granted or that prosecutors' office have to use the program even if they grant diversions for K.S.A. 21-5706 charges. (At least that is how we read it - we do not think that it should be mandatory for all diversions for possession under K.S.A. 21-5706.)

As we explained last week in the hearing on HB 2063, when people's cases are not disposed of with diversion, then the remaining options are pleading, going to trial, having the case dismissed, or "other". In FY 2015, out of 19,394 felony dispositions, 5% were diversions, 14% were dismissals, and 3% were "other" - meaning the remaining 78% were convictions. In FY 2016, out of 20,307 felony dispositions, the percentages in all those categories were exactly the same as FY 2015. In other words, when eligible criminal defendants do not receive diversion, the result most likely to happen is a conviction. Convictions have direct and indirect costs not only to the individual convicted, but also to our state and communities.

As evidenced by our support of HB 2063 (and other pro-diversion measures throughout the years), we support efforts to increase the use of diversions. Consequently, we support HB 2087 because it encourages additional diversions while funding drug treatment.

Thank you for your consideration,
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