

SESSION OF 2021

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2374**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2374 would amend law related to eligibility for the nonprison sanction of placement in a certified drug abuse treatment program (2003 SB 123 Program) and placement in a community corrections supervision program.

***2003 SB 123 Program***

The bill would amend a provision related to the assignment of a risk status by a criminal risk-need assessment to remove a requirement that the assessment assign either a high or low risk status.

The bill would also remove a requirement that an offender be assigned a high risk status on the drug abuse assessment and a moderate or high risk status on the criminal risk-need assessment in order to participate in the 2003 SB 123 Program. The bill would require the Kansas Sentencing Commission (Commission) to determine the criteria for participation in the 2003 SB 123 Program.

***Community Corrections Services Program***

Continuing law allows for assessment of certain felony offenders by a standardized risk assessment tool specified by the Commission, and for placement of certain felony offenders in a community corrections services program that

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

provides supervision, treatment, and other services to offenders.

The bill would allow the Commission to determine an appropriate risk level for placement in the program, and would remove the requirement that offenders be assigned certain risk levels in order to participate.

### **Background**

SB 123 (2003) created a nonprison sanction of certified substance abuse treatment for certain drug offenders. Commonly referred to as the “Senate Bill 123 Program,” this program is administered by the Commission.

HB 2374 was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Commission.

### ***House Committee on Corrections and Juvenile Justice***

In the House Committee hearing on February 23, 2021, a representative of the Commission provided **proponent** testimony, stating the Commission is in the process of implementing new probation assessments and the change would help facilitate implementation of the new assessments.

No other testimony was provided.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget, the Commission indicates enactment of the bill could impact prison admissions, prison beds, or the workload of the Commission, but a fiscal effect cannot be estimated.

The Office of Judicial Administration indicates the bill could change the number of people going to community

corrections or court services. However, a fiscal effect cannot be estimated.

Any fiscal effect associated with the bill is not reflected in *The FY 2022 Governor's Budget Report*.

Certified drug abuse treatment; Kansas Sentencing Commission; risk level; SB 123