

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2517

As Amended by Senate Committee on Judiciary

Brief*

HB 2517, as amended, would transfer provider certification duties for certified drug abuse treatment programs for drug offenders or divertees from the Department of Corrections (KDOC) to the Kansas Sentencing Commission (Commission), by replacing all references to the Secretary of Corrections with the Commission in the relevant definitions and provisions. The bill also would remove community correction officers from those who may conduct criminal risk-needs assessments for purposes of such programs and would allow the Commission to establish a process for revoking certification of programs that do not meet the Commission's qualifications for certification.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Commission.

[*Note:* 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. In 2021, HB 2026 established a similar treatment program for divertees.]

*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>

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on February 1, 2022, a representative of the Commission provided **proponent** testimony, stating the bill would enhance continuity and would provide a positive step in the evolution of the Senate Bill 123 Program. The Secretary of Corrections had no objections to the transfer of the position. A representative of the Behavioral Health Association of Kansas stated the association had no objection to the bill.

No other testimony was provided.

On February 9, 2022, the House Committee amended the bill at the request of the Commission to make the same transfer of duties for the divertee treatment program established by 2021 HB 2026.

Senate Committee on Judiciary

In the Senate Committee hearing on March 16, 2022, the same **proponent** testified as in the House Committee hearing. No other testimony was provided.

On March 17, 2022, the Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Commission indicates enactment of the bill would result in transferring one FTE position responsible for certifications, totaling \$74,628 for salaries and wages from the State General Fund, from the KDOC to the Commission; the KDOC estimates the same transfer at \$71,313. Any fiscal effect associated with

enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Certified drug abuse treatment programs; SB123 program; Kansas Department of Corrections; Kansas Sentencing Commission; community corrections; transfer of duties