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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: February 1, 2021

Subject: Bill Brief on HB 2128

HB 2128 seeks to clarify jurisdiction and supervision of offenders in the certified drug abuse treatment program and allows certain nondrug offenders to participate in the program.

Section 1 amends K.S.A. 21-6610 to provide that when a defendant is sentenced to participate in the certified drug abuse treatment program pursuant to K.S.A. 21-6824, the district court from which the defendant is on probation or supervision may transfer jurisdiction of the defendant with the concurrence of the receiving district court and all parties.

Section 2 amends K.S.A. 21-6824, the certified drug abuse treatment program statute, to provide that if an offender is permitted to go from the judicial district of the sentencing court, the court may transfer supervision from that judicial district to another and either transfer or retain jurisdiction of the offender. This section is also amended to allow people convicted of a nondrug, nonperson severity level 7 through 10 felony to participate in the certified drug abuse treatment program. These offenders would be eligible under the same criteria used for existing offenders. Those offenders whose criminal history falls within the A or B category would only be allowed to participate if the court finds the safety of the public would not be jeopardized by placement in the program, similar to those convicted of a drug severity level 5 offense with an A or B criminal history or a drug severity level 4 offense with an E through I criminal history.