

SENATE JUDICIARY COMMITTEE
Senator Kellie Warren, Chair

KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
March 24, 2021

Proponent Testimony – HB 2128

Thank you for the opportunity to present testimony in favor of this legislation on behalf of the Kansas Sentencing Commission. This bill allows for post-sentence transfer of jurisdiction and supervision for offenders ordered into the 2003 SB 123 substance abuse treatment program. It recently passed out of the House 124-0.

Post-Sentence Transfer of Jurisdiction in SB 123 cases

Specifically, two statutes are affected. K.S.A. 2020 Supp. 21-6610 is amended to allow the originating district court to transfer jurisdiction to another district court for offenders sentenced under K.S.A. 21-6824 (SB 123) with the concurrence of the receiving district court and all parties.

Courtesy supervision by probation officers occurs regularly with judicial districts after sentencing and is utilized where an offender does not reside in the jurisdiction in which the criminal conduct occurred. If an offender is on courtesy supervision and violates a condition of probation, that offender is required to report back to the original jurisdiction where the crime occurred. The supervising probation officer providing courtesy supervision may also be required to travel to that jurisdiction to testify regarding the wrongful conduct, thereby incurring time and travel costs.

Under this proposal, when an offender is sentenced to SB 123 substance abuse treatment, the bill allows the sentencing court to not only transfer supervision, which is the law now, but also transfer jurisdiction to the court in which the offender resides. This would allow the court and probation office where the offender resides to hold any subsequent revocation hearings. The Commission recommends this proposal to encourage judicial economy as any probation violations will most likely occur in the jurisdiction where the offender resides. This would provide for ease in the administration of justice and would allow the court in the jurisdiction in which the offender lives to best sanction the offender. Simply put, public safety concerns are better addressed in the offender's hometown.

Transfers under this proposal are for SB 123 only and are not mandatory. All parties, the receiving and sending jurisdictions, must agree to transfer jurisdiction of the case. I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and be happy to answer questions. Thank you.