

## MEMORANDUM

**To:** Commission Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 17, 2020  
**Re:** Prison Bed Space Impact Assessment, **2019 HB 2292-Authorizing use of certified drug abuse treatment programs for certain crimes - UPDATE**

### IMPACT ASSESSMENT

- **Impact on Prison Admissions:** This bill **may** result in additional prison admissions but that cannot be determined at this time.
- **Impact on Prison Beds:** This bill **may** result in additional prison beds but that cannot be determined at this time.
- **Impact on the Workload of the Commission:** This bill will result in **no** additional journal entry workload of the Commission. But, based on the scenarios the SB 123 drug treatment offenders may increase by **25, 50 or 75** persons respectively in FY 2021.
- **Fiscal Impact of the Commission:** This bill would require an increase in the SB 123 program cost by **\$88,368, \$176,736 or \$265,104** respectively in FY 2021, depending on which scenario plays out. The average cost was **\$3,534.73** per SB 123 treatment offender in FY 2020.

### SUMMARY OF THE BILL

- This bill amends K.S.A. 2020 Supp. 21-6824, commonly referred to as 2003 SB 123 substance abuse treatment program, by expanding court ordered placement of offenders in certified drug abuse treatment programs to certain persons who enter into a diversion agreement in lieu of further criminal proceedings.

### FINDINGS

- In FY 2019, **1,469** (12.0%) offenders were sentenced to SB 123 Mandatory Drug Treatment.
- In FY 2018, **981** offenders were granted diversion according to the Office of Judicial Administration Annual Report.
  - **263** of those offenders were convicted of severity level 5 drug offenses under 21-5706.

- **Example counties:**
  - In calendar year 2018, Douglas County granted **11** felony drug diversions.
    - **8** (73%) were for felony drug possession.
    - **3** (27%) were for felony drug distribution.
  - In calendar year 2018, Sedgwick County granted **11** felony drug diversions.
    - All **11** (100%) were for felony drug possession.
  - In calendar year 2018, Shawnee County granted **46** felony drug diversions.
    - **45** (98%) were for felony drug possession.
    - **1** (2%) was for felony drug distribution.
  - In calendar year 2018, Johnson County granted **34** felony drug diversions.
    - All **34** (100%) were for felony drug possession.
  - Wyandotte County implemented a new drug diversion program in May of 2018.
    - Since the inception of this program **85** offenders have been placed on diversion.
      - **40** (47%) were for possession of methamphetamine.
      - **21** (24%) were for possession of marijuana.
      - **20** (23%) were for possession of cocaine.
      - **1** (2%) was for possession of hydrocodone.
      - **1** (2%) was for possession of PCP/LDS.
      - **1** (2%) was for possession of Psilocin
- If offenders are revoked from diversion, they may be eligible for a second round of SB 123 treatment post-conviction. This will increase expenditures in the SB 123 program. FY 2020 cost per offender on SB 123 was **\$3,534.73**
  - **Increased cost scenarios for KSSC**
    - **25** diversion cases to SB 123 = \$88,368
    - **50** diversion cases to SB 123 = \$176,736
    - **75** diversion cases to SB 123 = \$265,104

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