

## MEMORANDUM

**To:** Commission Members  
**From:** Scott M. Schultz, Executive Director  
**Date:** September 17, 2020  
**Re:** Prison Bed Space Impact Assessment, **2020 HB 2002 - Creating a drug abuse treatment program for people on diversion and allowing county attorneys to enter into agreements with court services and community corrections for supervision**

### 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

- The bill would create a drug abuse treatment program for people on diversion and allow county attorneys to enter into agreements with court services and community corrections for supervision.

### 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 allowed to diversion and are eligible for of SB 123 treatment program. 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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