

2003 SB 123 ELIGIBILITY (K.S.A. 21-6824) EFFECTIVE JULY 1, 2021

Through 2021 Legislative Session

Felony Conviction of K.S.A. 21-5705 or K.S.A. 21-5706
MUST SATISFY ALL CRITERIA BELOW

Current Conviction of **Attempt, Conspiracy, or Solicitation to Commit** K.S.A. 21-5705 or K.S.A. 21-5706

NOT ELIGIBLE
3rd or subsequent conviction of K.S.A. 21-5706 [Possession] (Special Rule #26)

Eligible

Prior conviction(s) of **Attempt, Conspiracy, or Solicitation** of unlawful **manufacturing, cultivation or distribution** of controlled substance or receiving proceeds therefrom

NEW '21

Jurisdiction Transfer (2021 HB 2026)
Sentencing court may transfer or retain jurisdiction upon agreement of sending and receiving jurisdictions

Kansas Resident

Lawfully present in U.S.

Revised '21

Assessment Scores
SASSI-4 - high
LS/CMI - high or very high
WRNA - medium or high

Offense classified as 5C-5I (mandatory) OR 5A or 5B with severity level 8-10 prior person felonies (discretionary) if convicted of K.S.A. 21-5706 [Possession]

OR

Offense classified as 4E-4I if convicted of K.S.A. 21-5705 (discretionary) [Distribution]

Not Eligible

Prior conviction(s) of unlawful **manufacturing, cultivation, or distribution** of controlled substance or receiving proceeds therefrom

NEW '21

Diversions (2021 HB 2026)
- Certified drug abuse treatment program for divertees if 5C, 5D, 5E, 5F, 5G, 5H or 5I
- No prior manufacture/cultivation/distribution convictions
- Mental health professional recommendation
- Risk and needs assessment scores SASSI-4 - high
LS/CMI - mid-range medium, high, or very high
WRNA - mid-range moderate, medium or high
- County or District Attorney discretion



Nothing prohibits evaluation and treatment for any person that does not qualify for SB123