

## HOUSE BILL No. 2499

By Committee on Judiciary

Requested by Representative Osman on behalf of Representative McDonald

1-21

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to driving under the influence; directing courts to approve victim  
3 impact panel programs for driving under the influence offenses;  
4 requiring persons convicted of or given diversion agreements for  
5 driving under the influence offenses to attend victim impact panels;  
6 amending K.S.A. 8-2,144, 12-4416 and 22-2909 and K.S.A. 2025  
7 Supp. 8-1567 and repealing the existing sections.  
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) (1) On and after January 1, 2027, any person  
11 convicted of a violation of K.S.A. 8-2,144 or 8-1567, and amendments  
12 thereto, or a violation of a city ordinance or county resolution prohibiting  
13 the acts prohibited by K.S.A. 8-2,144 or 8-1567, and amendments thereto,  
14 shall be ordered by the court to attend an in-person victim impact panel  
15 program, except as provided in subsection (b). Such program shall be  
16 developed and conducted by a nonprofit organization approved by the  
17 court.

18 (2) This section shall apply to any diversion agreement that is entered  
19 into in lieu of further criminal proceedings on a complaint alleging a  
20 violation of K.S.A. 8-1567, and amendments thereto.

21 (b) If a court makes a finding that in-person attendance for a victim  
22 impact panel program is not practicable, then the court may allow a person  
23 to attend an online victim impact panel program. Such online program  
24 shall be developed and conducted by a nonprofit organization approved by  
25 the court.

26 (c) The nonprofit organization conducting the victim impact panel  
27 program may charge a fee in an amount not to exceed \$100 to a person  
28 ordered to attend such program.

29 Sec. 2. K.S.A. 8-2,144 is hereby amended to read as follows: 8-2,144.  
30 (a) Driving a commercial motor vehicle under the influence is operating or  
31 attempting to operate any commercial motor vehicle, as defined in K.S.A.  
32 8-2,128, and amendments thereto, within this state while:

33 (1) The alcohol concentration in the person's blood or breath, as  
34 shown by any competent evidence, including other competent evidence, as  
35 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.04 or more;

1       (2) the alcohol concentration in the person's blood or breath, as  
2 measured within three hours of the time of driving a commercial motor  
3 vehicle, is 0.04 or more; or

4       (3) committing a violation of K.S.A. 8-1567(a), and amendments  
5 thereto, or the ordinance of a city or resolution of a county ~~which that~~  
6 prohibits any of the acts prohibited thereunder or is otherwise comparable.

7       (b) (1) Driving a commercial motor vehicle under the influence is:

8           (A) On a first conviction, a class B, nonperson misdemeanor. The  
9 person convicted shall be sentenced to not less than 48 consecutive hours  
10 nor more than six months' imprisonment, or in the court's discretion, 100  
11 hours of public service, and fined not less than \$750 nor more than \$1,000;

12           (B) on a second conviction, a class A, nonperson misdemeanor. The  
13 person convicted shall be sentenced to not less than 90 days nor more than  
14 one year's imprisonment and fined not less than \$1,250 nor more than  
15 \$1,750. The following conditions shall apply to such sentence:

16           (i) As a condition of any probation granted under this subsection, the  
17 person shall serve at least 120 hours of confinement. The hours of  
18 confinement shall include at least 48 hours of imprisonment and otherwise  
19 may be served by a combination of: Imprisonment; a work release  
20 program, if such work release program requires such person to return to  
21 the confinement at the end of each day in the work release program; or a  
22 house arrest program pursuant to K.S.A. 21-6609, and amendments  
23 thereto; and

24           (ii) (a) if the person is placed into a work release program or placed  
25 under a house arrest program for any portion of the minimum of 120 hours  
26 of confinement mandated by this subsection, the person shall receive hour-  
27 for-hour credit for time served in such program until the minimum  
28 sentence is met. If the person is placed into a work release program or  
29 placed under a house arrest program for more than the minimum of 120  
30 hours of confinement mandated by this subsection, the person shall receive  
31 hour-for-hour credit for time served in such program until the minimum of  
32 120 hours of confinement is completed, and thereafter, the person shall  
33 receive day-for-day credit for time served in such program unless  
34 otherwise ordered by the court; and

35           (b) when in a work release program, the person shall only be given  
36 credit for the time served in confinement at the end of and continuing to  
37 the beginning of the person's work day. When under a house arrest  
38 program, the person shall be monitored by an electronic monitoring device  
39 that verifies the person's location and shall only be given credit for the  
40 time served within the boundaries of the person's residence; and

41           (C) on a third or subsequent conviction, a severity level 6, nonperson  
42 felony. The following conditions shall apply to such sentence:

43           (i) As a condition of any probation granted under this subsection, the

1 person shall serve at least 30 days of confinement. After at least 48  
2 consecutive hours of imprisonment, the remainder of the period of  
3 confinement may be served by a combination of: Imprisonment; a work  
4 release program, if such work release program requires such person to  
5 return to the confinement at the end of each day in the work release  
6 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
7 amendments thereto; and

8 (ii) (a) if the person is placed into a work release program or placed  
9 under a house arrest program for any portion of the minimum of 30 days  
10 of confinement mandated by this subsection, the person shall receive hour-  
11 for-hour credit for time served in such program for the first 240 hours of  
12 confinement, and thereafter, the person shall receive day-for-day credit for  
13 time served in such program unless otherwise ordered by the court; and

14 (b) when in a work release program, the person shall only be given  
15 credit for the time served in confinement at the end of and continuing to  
16 the beginning of the person's work day. When under a house arrest  
17 program, the person shall be monitored by an electronic monitoring device  
18 that verifies the person's location and shall only be given credit for the  
19 time served within the boundaries of the person's residence.

20 (2) In addition, prior to sentencing for any conviction pursuant to  
21 subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to  
22 participate in an alcohol and drug evaluation conducted by a provider in  
23 accordance with K.S.A. 8-1008, and amendments thereto. The person shall  
24 be required to follow any recommendation made by the provider after such  
25 evaluation, unless otherwise ordered by the court.

26 (c) Any person 18 years of age or older convicted of a violation of  
27 this section; or a violation of a city ordinance or county resolution  
28 prohibiting the acts prohibited by this section, who had one or more  
29 children under the age of 18 years in the vehicle at the time of the offense,  
30 shall have such person's punishment enhanced by one month of  
31 imprisonment. This imprisonment shall be served consecutively to any  
32 other minimum mandatory penalty imposed for a violation of this section,  
33 or a violation of a city ordinance or county resolution prohibiting the acts  
34 prohibited by this section. Any enhanced penalty imposed shall not exceed  
35 the maximum sentence allowable by law. During the service of the  
36 enhanced penalty, the judge may order the person on house arrest, work  
37 release or other conditional release.

38 (d) If a person is charged with a violation of K.S.A. 8-1567(a)(4) or  
39 (a)(5), and amendments thereto, as incorporated in this section, the fact  
40 that the person is or has been entitled to use the drug under the laws of this  
41 state shall not constitute a defense against the charge.

42 (e) The court may establish the terms and time for payment of any  
43 fines, fees, assessments and costs imposed pursuant to this section. Any

1 assessment and costs shall be required to be paid not later than 90 days  
2 after imposed, and any remainder of the fine shall be paid prior to the final  
3 release of the defendant by the court.

4 (f) (1) In lieu of payment of a fine imposed pursuant to this section,  
5 the court may order that the person perform community service specified  
6 by the court. The person shall receive a credit on the fine imposed in an  
7 amount equal to \$5 for each full hour spent by the person in the specified  
8 community service. The community service ordered by the court shall be  
9 required to be performed not later than one year after the fine is imposed  
10 or by an earlier date specified by the court. If by the required date the  
11 person performs an insufficient amount of community service to reduce to  
12 zero the portion of the fine required to be paid by the person, the  
13 remaining balance of the fine shall become due on that date.

14 (2) The court may, in its discretion, waive any portion of a fine  
15 imposed pursuant to this section, except the \$250 required to be remitted  
16 to the state treasurer pursuant to subsection (q), upon a showing that the  
17 person successfully completed court-ordered education or treatment.

18 (g) Prior to filing a complaint alleging a violation of this section, a  
19 prosecutor shall request and shall receive from the:

20 (1) Division a record of all prior convictions obtained against such  
21 person for any violations of any of the motor vehicle laws of this state; and

22 (2) Kansas bureau of investigation central repository all criminal  
23 history record information concerning such person.

24 (h) The court shall electronically report every conviction of a  
25 violation of this section to the division. Prior to sentencing under the  
26 provisions of this section, the court shall request and shall receive from  
27 the:

28 (1) Division a record of all prior convictions obtained against such  
29 person for any violation of any of the motor vehicle laws of this state; and

30 (2) Kansas bureau of investigation central repository all criminal  
31 history record information concerning such person.

32 (i) Upon conviction of a person of a violation of this section or a  
33 violation of a city ordinance or county resolution prohibiting the acts  
34 prohibited by this section, the division, upon receiving a report of  
35 conviction, shall:

36 (1) Disqualify the person from driving a commercial motor vehicle  
37 under K.S.A. 8-2,142, and amendments thereto; and

38 (2) suspend, restrict or suspend and restrict the person's driving  
39 privileges as provided by K.S.A. 8-1014, and amendments thereto.

40 (j) (1) Nothing contained in this section shall be construed as  
41 preventing any city from enacting ordinances, or any county from adopting  
42 resolutions, declaring acts prohibited or made unlawful by this section as  
43 unlawful or prohibited in such city or county and prescribing penalties for

1 violation thereof.

2 (2) The minimum penalty prescribed by any such ordinance or  
3 resolution shall not be less than the minimum penalty prescribed by this  
4 section for the same violation, and the maximum penalty in any such  
5 ordinance or resolution shall not exceed the maximum penalty prescribed  
6 for the same violation.

7 (3) Any such ordinance or resolution shall authorize the court to order  
8 that the convicted person pay restitution to any victim who suffered loss  
9 due to the violation for which the person was convicted.

10 (k) (1) Upon the filing of a complaint, citation or notice to appear  
11 alleging a person has violated a city ordinance prohibiting the acts  
12 prohibited by this section, and prior to conviction thereof, a city attorney  
13 shall request and shall receive from the:

14 (A) Division of vehicles a record of all prior convictions obtained  
15 against such person for any violations of any of the motor vehicle laws of  
16 this state; and

17 (B) Kansas bureau of investigation central repository all criminal  
18 history record information concerning such person.

19 (2) If the elements of such ordinance violation are the same as the  
20 elements of a violation of this section that would constitute, and be  
21 punished as, a felony, the city attorney shall refer the violation to the  
22 appropriate county or district attorney for prosecution. The county or  
23 district attorney shall accept such referral and pursue a disposition of such  
24 violation, and shall not refer any such violation back to the city attorney.

25 (l) No plea bargaining agreement shall be entered into nor shall any  
26 judge approve a plea bargaining agreement entered into for the purpose of  
27 permitting a person charged with a violation of this section, or a violation  
28 of any ordinance of a city or resolution of any county in this state ~~which~~  
29 *that* prohibits the acts prohibited by this section, to avoid the mandatory  
30 penalties established by this section or by the ordinance or resolution. This  
31 subsection shall not be construed to prohibit an amendment or dismissal of  
32 any charge where the admissible evidence is not sufficient to support a  
33 conviction beyond a reasonable doubt on such charge.

34 (m) The alternatives set out in subsection (a) may be pleaded in the  
35 alternative, and the state, city or county may, but shall not be required to,  
36 elect one or more of such alternatives prior to submission of the case to the  
37 fact finder.

38 (n) For the purpose of determining whether a conviction is a first,  
39 second, third or subsequent conviction in sentencing under this section:

40 (1) Convictions for a violation of K.S.A. 8-1567, and amendments  
41 thereto, or a violation of an ordinance of any city or resolution of any  
42 county that prohibits the acts that such section prohibits, or entering into a  
43 diversion agreement in lieu of further criminal proceedings on a complaint

1 alleging any such violations, shall be taken into account, but only  
2 convictions or diversions occurring on or after July 1, 2001. Nothing in  
3 this provision shall be construed as preventing any court from considering  
4 any convictions or diversions occurring during the person's lifetime in  
5 determining the sentence to be imposed within the limits provided for a  
6 first, second, third, fourth or subsequent offense;

7 (2) any convictions for a violation of the following sections occurring  
8 during a person's lifetime shall be taken into account:

9 (A) This section;

10 (B) operating a vessel under the influence of alcohol or drugs, K.S.A.  
11 32-1131, and amendments thereto;

12 (C) involuntary manslaughter while driving under the influence of  
13 alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)  
14 (3) or (a)(5), and amendments thereto;

15 (D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)  
16 (4), and amendments thereto; and

17 (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its  
18 repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the  
19 crime was committed while committing a violation of K.S.A. 8-1567, and  
20 amendments thereto;

21 (3) "conviction" includes:

22 (A) Entering into a diversion agreement in lieu of further criminal  
23 proceedings on a complaint alleging a violation of a crime described in  
24 subsection (n)(2); and

25 (B) conviction of a violation of an ordinance of a city in this state, a  
26 resolution of a county in this state or any law of another jurisdiction that  
27 would constitute an offense that is comparable to the offense described in  
28 subsection (n)(1) or (n)(2);

29 (4) it is irrelevant whether an offense occurred before or after  
30 conviction for a previous offense; and

31 (5) multiple convictions of any crime described in subsection (n)(1)  
32 or (n)(2) arising from the same arrest shall only be counted as one  
33 conviction.

34 (o) For the purposes of determining whether an offense is  
35 comparable, the following shall be considered:

36 (1) The name of the out-of-jurisdiction offense;

37 (2) the elements of the out-of-jurisdiction offense; and

38 (3) whether the out-of-jurisdiction offense prohibits similar conduct  
39 to the conduct prohibited by the closest approximate Kansas offense.

40 (p) For the purpose of this section:

41 (1) "Alcohol concentration" means the number of grams of alcohol  
42 per 100 milliliters of blood or per 210 liters of breath;

43 (2) "imprisonment" includes any restrained environment in which the

1 court and law enforcement agency intend to retain custody and control of a  
2 defendant and such environment has been approved by the board of county  
3 commissioners or the governing body of a city; and

4       (3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-  
5 5712, and amendments thereto.

6       (q) On and after July 1, 2011, the amount of \$250 from each fine  
7 imposed pursuant to this section shall be remitted by the clerk of the  
8 district court to the state treasurer in accordance with the provisions of  
9 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
10 remittance, the state treasurer shall credit the entire amount to the  
11 community corrections supervision fund established by K.S.A. 75-52,113,  
12 and amendments thereto.

13       (r) *On and after January 1, 2027, any person convicted of a violation  
14 of this section or a violation of a city ordinance or county resolution  
15 prohibiting the acts prohibited by this section shall be ordered by the court  
16 to attend a victim impact panel program approved by the court pursuant to  
17 section 1, and amendments thereto.*

18       Sec. 3. K.S.A. 2025 Supp. 8-1567 is hereby amended to read as  
19 follows: 8-1567. (a) Driving under the influence is operating or attempting  
20 to operate any vehicle within this state while:

21       (1) The alcohol concentration in the person's blood or breath as  
22 shown by any competent evidence, including other competent evidence, as  
23 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

24       (2) the alcohol concentration in the person's blood or breath, as  
25 measured within three hours of the time of operating or attempting to  
26 operate a vehicle, is 0.08 or more;

27       (3) under the influence of alcohol to a degree that renders the person  
28 incapable of safely driving a vehicle;

29       (4) under the influence of any drug or combination of drugs to a  
30 degree that renders the person incapable of safely driving a vehicle; or

31       (5) under the influence of a combination of alcohol and any drug or  
32 drugs to a degree that renders the person incapable of safely driving a  
33 vehicle.

34       (b) (1) Driving under the influence is:

35           (A) On a first conviction, a class B, nonperson misdemeanor. The  
36 person convicted shall be sentenced to not less than 48 consecutive hours  
37 nor more than six months' imprisonment, or in the court's discretion 100  
38 hours of public service, and fined not less than \$750 nor more than \$1,000;

39           (B) on a second conviction, a class A, nonperson misdemeanor. The  
40 person convicted shall be sentenced to not less than 90 days nor more than  
41 one year's imprisonment and fined not less than \$1,250 nor more than  
42 \$1,750. The following conditions shall apply to such sentence:

43           (i) As a condition of any probation granted under this subsection, the

1 person shall serve at least 120 hours of confinement. The hours of  
2 confinement shall include at least 48 hours of imprisonment and otherwise  
3 may be served by a combination of: Imprisonment; a work release  
4 program, if such work release program requires such person to return to  
5 the confinement at the end of each day in the work release program; or a  
6 house arrest program pursuant to K.S.A. 21-6609, and amendments  
7 thereto;

8 (ii) (a) if the person is placed into a work release program or placed  
9 under a house arrest program for any portion of the minimum of 120 hours  
10 of confinement mandated by this subsection, the person shall receive hour-  
11 for-hour credit for time served in such program until the minimum  
12 sentence is met. If the person is placed into a work release program or  
13 placed under a house arrest program for more than the minimum of 120  
14 hours of confinement mandated by this subsection, the person shall receive  
15 hour-for-hour credit for time served in such program until the minimum of  
16 120 hours of confinement is completed, and thereafter, the person shall  
17 receive day-for-day credit for time served in such program unless  
18 otherwise ordered by the court; and

19 (b) when in a work release program, the person shall only be given  
20 credit for the time served in confinement at the end of and continuing to  
21 the beginning of the person's work day. When under a house arrest  
22 program, the person shall be monitored by an electronic monitoring device  
23 that verifies the person's location and shall only be given credit for the  
24 time served within the boundaries of the person's residence;

25 (C) on a third conviction, a class A, nonperson misdemeanor, except  
26 as provided in subsection (b)(1)(D). The person convicted shall be  
27 sentenced to not less than 90 days nor more than one year's imprisonment  
28 and fined not less than \$1,750 nor more than \$2,500. The following  
29 conditions shall apply to such sentence:

30 (i) As a condition of any probation granted under this subsection, the  
31 person shall serve at least 30 days of confinement. After at least 48  
32 consecutive hours of imprisonment, the remainder of the period of  
33 confinement may be served by a combination of: Imprisonment; a work  
34 release program, if such work release program requires such person to  
35 return to the confinement at the end of each day in the work release  
36 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
37 amendments thereto; and

38 (ii) (a) if the person is placed into a work release program or placed  
39 under a house arrest program for any portion of the minimum of 30 days  
40 of confinement mandated by this subsection, the person shall receive hour-  
41 for-hour credit for time served in such program for the first 240 hours of  
42 confinement, and thereafter, the person shall receive day-for-day credit for  
43 time served in such program unless otherwise ordered by the court; and

1       (b) when in a work release program, the person shall only be given  
2 credit for the time served in confinement at the end of and continuing to  
3 the beginning of the person's work day. When under a house arrest  
4 program, the person shall be monitored by an electronic monitoring device  
5 that verifies the person's location and shall only be given credit for the  
6 time served within the boundaries of the person's residence;

7       (D) on a third conviction, a severity level 6, nonperson felony if the  
8 person has a prior conviction ~~which~~ that occurred within the preceding 10  
9 years, not including any period of incarceration. The following conditions  
10 shall apply to such sentence:

11       (i) As a condition of any probation granted under this subsection, the  
12 person shall serve at least 30 days of confinement. After at least 48  
13 consecutive hours of imprisonment, the remainder of the period of  
14 confinement may be served by a combination of: Imprisonment; a work  
15 release program, if such work release program requires such person to  
16 return to the confinement at the end of each day in the work release  
17 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
18 amendments thereto; and

19       (ii) (a) if the person is placed into a work release program or placed  
20 under a house arrest program for any portion of the minimum of 30 days  
21 of confinement mandated by this subsection, the person shall receive hour-  
22 for-hour credit for time served in such program for the first 240 hours of  
23 confinement, and thereafter, the person shall receive day-for-day credit for  
24 time served in such program unless otherwise ordered by the court; and

25       (b) when in a work release program, the person shall only be given  
26 credit for the time served in confinement at the end of and continuing to  
27 the beginning of the person's work day. When under a house arrest  
28 program, the person shall be monitored by an electronic monitoring device  
29 that verifies the person's location and shall only be given credit for the  
30 time served within the boundaries of the person's residence; and

31       (E) on a fourth or subsequent conviction, a severity level 6,  
32 nonperson felony. The following conditions shall apply to such sentence:

33       (i) As a condition of any probation granted under this subsection, the  
34 person shall serve at least 30 days of confinement. After at least 48  
35 consecutive hours of imprisonment, the remainder of the period of  
36 confinement may be served by a combination of: Imprisonment; a work  
37 release program, if such work release program requires such person to  
38 return to the confinement at the end of each day in the work release  
39 program; or a house arrest program pursuant to K.S.A. 21-6609, and  
40 amendments thereto; and

41       (ii) (a) if the person is placed into a work release program or placed  
42 under a house arrest program for any portion of the minimum of 30 days  
43 of confinement mandated by this subsection, the person shall receive hour-

1 for-hour credit for time served in such program for the first 240 hours of  
2 confinement, and thereafter, the person shall receive day-for-day credit for  
3 time served in such program unless otherwise ordered by the court; and

4 (b) when in a work release program, the person shall only be given  
5 credit for the time served in confinement at the end of and continuing to  
6 the beginning of the person's work day. When under a house arrest  
7 program, the person shall be monitored by an electronic monitoring device  
8 that verifies the person's location and shall only be given credit for the  
9 time served within the boundaries of the person's residence.

10 (2) (A) The court may order that the term of imprisonment imposed  
11 pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in  
12 the custody of the secretary of corrections in a facility designated by the  
13 secretary for the provision of substance abuse treatment pursuant to the  
14 provisions of K.S.A. 21-6804, and amendments thereto. The secretary of  
15 corrections may refuse to admit the person to the designated facility and  
16 place the person in a different state facility, or admit the person and  
17 subsequently transfer the person to a different state facility, if the secretary  
18 determines: (i) That substance abuse treatment resources or the capacity of  
19 the facility designated by the secretary for the incarceration and treatment  
20 of the person is not available; (ii) the person has failed to meaningfully  
21 participate in the treatment program of the designated facility; (iii) the  
22 person is disruptive to the security or operation of the designated facility;  
23 or (iv) the medical or mental health condition of the person renders the  
24 person unsuitable for confinement at the designated facility. The  
25 determination by the secretary that the person either is not to be admitted  
26 into the designated facility or is to be transferred from the designated  
27 facility is not subject to review.

28 (B) In addition to the provisions of subsection (b)(1), for any  
29 conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is  
30 granted probation, the court shall determine whether the person shall be  
31 supervised by community correctional services or court services based on  
32 the risk and needs of the person. The risk and needs of the person shall be  
33 determined by use of a risk assessment tool specified by the Kansas  
34 sentencing commission. During the probation supervision, the person shall  
35 be required to participate in a multidisciplinary model of services for  
36 substance use disorders facilitated by a Kansas department for aging and  
37 disability services designated care coordination agency to include  
38 assessment and, if appropriate, referral to a community based substance  
39 use disorder treatment including recovery management and mental health  
40 counseling as needed. The multidisciplinary team shall include the  
41 designated care coordination agency, the supervision officer, the Kansas  
42 department for aging and disability services designated treatment provider  
43 and the person.

1       (3) In addition to the provisions of subsection (b)(1), for any  
2 conviction pursuant to subsection (b)(1)(C), at the time of the filing of the  
3 judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426,  
4 and amendments thereto, the court shall cause a certified copy to be sent to  
5 the officer having the person in charge. The court shall determine whether  
6 the person, upon release from imprisonment, shall be supervised by  
7 community correctional services or court services based upon the risk and  
8 needs of the person. The risk and needs of the person shall be determined  
9 by use of a risk assessment tool specified by the Kansas sentencing  
10 commission. The law enforcement agency maintaining custody and control  
11 of a person for imprisonment shall cause a certified copy of the judgment  
12 form or journal entry to be sent to the supervision office designated by the  
13 court and upon expiration of the term of imprisonment shall deliver the  
14 person to a location designated by the supervision office designated by the  
15 court. After the term of imprisonment imposed by the court, the person  
16 shall be placed on supervision to community correctional services or court  
17 services, as determined by the court, for a mandatory one-year period of  
18 supervision, which such period of supervision shall not be reduced. During  
19 such supervision, the person shall be required to participate in a  
20 multidisciplinary model of services for substance use disorders facilitated  
21 by a Kansas department for aging and disability services designated care  
22 coordination agency to include assessment and, if appropriate, referral to a  
23 community based substance use disorder treatment including recovery  
24 management and mental health counseling as needed. The  
25 multidisciplinary team shall include the designated care coordination  
26 agency, the supervision officer, the Kansas department for aging and  
27 disability services designated treatment provider and the person. A person  
28 for whom a warrant has been issued by the court alleging a violation of  
29 this supervision shall be considered a fugitive from justice if it is found  
30 that the warrant cannot be served. If it is found that the person has violated  
31 the provisions of this supervision, the court shall determine whether the  
32 time from the issuing of the warrant to the date of the court's determination  
33 of an alleged violation, or any part of it, shall be counted as time served on  
34 supervision. Any violation of the conditions of such supervision may  
35 subject such person to revocation of supervision and imprisonment in jail  
36 for the remainder of the period of imprisonment, the remainder of the  
37 supervision period, or any combination or portion thereof. The term of  
38 supervision may be extended at the court's discretion beyond one year, and  
39 any violation of the conditions of such extended term of supervision may  
40 subject such person to the revocation of supervision and imprisonment in  
41 jail of up to the remainder of the original sentence, not the term of the  
42 extended supervision.

43       (4) In addition to the provisions of subsection (b)(1), prior to

1 sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)  
2 (B), the court shall order the person to participate in an alcohol and drug  
3 evaluation conducted by a provider in accordance with K.S.A. 8-1008, and  
4 amendments thereto. The person shall be required to follow any  
5 recommendation made by the provider after such evaluation, unless  
6 otherwise ordered by the court.

7 (c) Any person 18 years of age or older convicted of violating this  
8 section or an ordinance ~~which that~~ prohibits the acts that this section  
9 prohibits who had one or more children under the age of 18 years in the  
10 vehicle at the time of the offense shall have such person's punishment  
11 enhanced by one month of imprisonment. This imprisonment must be  
12 served consecutively to any other minimum mandatory penalty imposed  
13 for a violation of this section or an ordinance ~~which that~~ prohibits the acts  
14 that this section prohibits. Any enhanced penalty imposed shall not exceed  
15 the maximum sentence allowable by law. During the service of the  
16 enhanced penalty, the judge may order the person on house arrest, work  
17 release or other conditional release.

18 (d) If a person is charged with a violation of subsection (a)(4) or (a)  
19 (5), the fact that the person is or has been entitled to use the drug under the  
20 laws of this state shall not constitute a defense against the charge.

21 (e) The court may establish the terms and time for payment of any  
22 fines, fees, assessments and costs imposed pursuant to this section. Any  
23 assessment and costs shall be required to be paid not later than 90 days  
24 after imposed, and any remainder of the fine shall be paid prior to the final  
25 release of the person by the court.

26 (f) (1) In lieu of payment of a fine imposed pursuant to this section,  
27 the court may order that the person perform community service specified  
28 by the court. The person shall receive a credit on the fine imposed in an  
29 amount equal to \$5 for each full hour spent by the person in the specified  
30 community service. The community service ordered by the court shall be  
31 required to be performed not later than one year after the fine is imposed  
32 or by an earlier date specified by the court. If by the required date the  
33 person performs an insufficient amount of community service to reduce to  
34 zero the portion of the fine required to be paid by the person, the  
35 remaining balance of the fine shall become due on that date.

36 (2) The court may, in its discretion, waive any portion of a fine  
37 imposed pursuant to this section, except the \$250 required to be remitted  
38 to the state treasurer pursuant to subsection (q)(3), upon a showing that the  
39 person successfully completed court-ordered education or treatment.

40 (g) Prior to filing a complaint alleging a violation of this section, a  
41 prosecutor shall request and shall receive from the:

42 (1) Division a record of all prior convictions obtained against such  
43 person for any violations of any of the motor vehicle laws of this state; and

1       (2) Kansas bureau of investigation central repository all criminal  
2 history record information concerning such person.

3       (h) The court shall electronically report every conviction of a  
4 violation of this section and every diversion agreement entered into in lieu  
5 of further criminal proceedings on a complaint alleging a violation of this  
6 section to the division including any finding regarding the alcohol  
7 concentration in the person's blood or breath. Prior to sentencing under the  
8 provisions of this section, the court shall request and shall receive from the  
9 division a record of all prior convictions obtained against such person for  
10 any violations of any of the motor vehicle laws of this state.

11      (i) For the purpose of determining whether a conviction is a first,  
12 second, third, fourth or subsequent conviction in sentencing under this  
13 section:

14       (1) Convictions for a violation of this section, or a violation of an  
15 ordinance of any city or resolution of any county that prohibits the acts  
16 that this section prohibits, or entering into a diversion agreement in lieu of  
17 further criminal proceedings on a complaint alleging any such violations,  
18 shall be taken into account, but only convictions or diversions occurring  
19 on or after July 1, 2001. Nothing in this provision shall be construed as  
20 preventing any court from considering any convictions or diversions  
21 occurring during the person's lifetime in determining the sentence to be  
22 imposed within the limits provided for a first, second, third, fourth or  
23 subsequent offense;

24       (2) any convictions for a violation of the following sections occurring  
25 during a person's lifetime shall be taken into account:

26       (A) Driving a commercial motor vehicle under the influence, K.S.A.  
27 8-2,144, and amendments thereto;

28       (B) operating a vessel under the influence of alcohol or drugs, K.S.A.  
29 32-1131, and amendments thereto;

30       (C) involuntary manslaughter while driving under the influence of  
31 alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)  
32 (3) or (a)(5), and amendments thereto;

33       (D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)  
34 (4), and amendments thereto; and

35       (E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its  
36 repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the  
37 crime was committed while committing a violation of K.S.A. 8-1567, and  
38 amendments thereto;

39       (3) "conviction" includes:

40       (A) Entering into a diversion agreement in lieu of further criminal  
41 proceedings on a complaint alleging an offense described in subsection (i)  
42 (2); and

43       (B) conviction of a violation of an ordinance of a city in this state, a

1 resolution of a county in this state or any law of another jurisdiction that  
2 would constitute an offense that is comparable to the offense described in  
3 subsection (i)(1) or (i)(2);

4 (4) multiple convictions of any crime described in subsection (i)(1) or  
5 (i)(2) arising from the same arrest shall only be counted as one conviction;  
6 (5) it is irrelevant whether an offense occurred before or after  
7 conviction for a previous offense; and

8 (6) a person may enter into a diversion agreement in lieu of further  
9 criminal proceedings for a violation of this section, and amendments  
10 thereto, or an ordinance ~~which that~~ prohibits the acts of this section, and  
11 amendments thereto, only once during the person's lifetime.

12 (j) For the purposes of determining whether an offense is comparable,  
13 the following shall be considered:

14 (1) The name of the out-of-jurisdiction offense;

15 (2) the elements of the out-of-jurisdiction offense; and

16 (3) whether the out-of-jurisdiction offense prohibits similar conduct  
17 to the conduct prohibited by the closest approximate Kansas offense.

18 (k) Upon conviction of a person of a violation of this section or a  
19 violation of a city ordinance or county resolution prohibiting the acts  
20 prohibited by this section, the division, upon receiving a report of  
21 conviction, shall suspend, restrict or suspend and restrict the person's  
22 driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

23 (l) (1) Nothing contained in this section shall be construed as  
24 preventing any city from enacting ordinances, or any county from adopting  
25 resolutions, declaring acts prohibited or made unlawful by this act as  
26 unlawful or prohibited in such city or county and prescribing penalties for  
27 violation thereof.

28 (2) The minimum penalty prescribed by any such ordinance or  
29 resolution shall not be less than the minimum penalty prescribed by this  
30 section for the same violation, and the maximum penalty in any such  
31 ordinance or resolution shall not exceed the maximum penalty prescribed  
32 for the same violation.

33 (3) On and after July 1, 2007, and retroactive for ordinance violations  
34 committed on or after July 1, 2006, an ordinance may grant to a municipal  
35 court jurisdiction over a violation of such ordinance ~~which that~~ is  
36 concurrent with the jurisdiction of the district court over a violation of this  
37 section, notwithstanding that the elements of such ordinance violation are  
38 the same as the elements of a violation of this section that would  
39 constitute, and be punished as, a felony.

40 (4) Any such ordinance or resolution shall authorize the court to order  
41 that the convicted person pay restitution to any victim who suffered loss  
42 due to the violation for which the person was convicted.

43 (m) (1) Upon the filing of a complaint, citation or notice to appear

1 alleging a person has violated a city ordinance prohibiting the acts  
2 prohibited by this section, and prior to conviction thereof, a city attorney  
3 shall request and shall receive from the:

4 (A) Division a record of all prior convictions obtained against such  
5 person for any violations of any of the motor vehicle laws of this state; and  
6 (B) Kansas bureau of investigation central repository all criminal  
7 history record information concerning such person.

8 (2) If the elements of such ordinance violation are the same as the  
9 elements of a violation of this section that would constitute, and be  
10 punished as, a felony, the city attorney shall refer the violation to the  
11 appropriate county or district attorney for prosecution.

12 (n) No plea bargaining agreement shall be entered into nor shall any  
13 judge approve a plea bargaining agreement entered into for the purpose of  
14 permitting a person charged with a violation of this section, or a violation  
15 of any ordinance of a city or resolution of any county in this state ~~which~~  
16 *that* prohibits the acts prohibited by this section, to avoid the mandatory  
17 penalties established by this section or by the ordinance. For the purpose  
18 of this subsection, entering into a diversion agreement pursuant to K.S.A.  
19 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not  
20 constitute plea bargaining. This subsection shall not be construed to  
21 prohibit an amendment or dismissal of any charge where the admissible  
22 evidence is not sufficient to support a conviction beyond a reasonable  
23 doubt on such charge.

24 (o) The alternatives set out in subsection (a) may be pleaded in the  
25 alternative, and the state, city or county may, but shall not be required to,  
26 elect one or more of such alternatives prior to submission of the case to the  
27 fact finder.

28 (p) As used in this section:

29 (1) "Alcohol concentration" means the number of grams of alcohol  
30 per 100 milliliters of blood or per 210 liters of breath;

31 (2) "imprisonment" includes any restrained environment in which the  
32 court and law enforcement agency intend to retain custody and control of a  
33 person and such environment has been approved by the board of county  
34 commissioners or the governing body of a city; and

35 (3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-  
36 5712, and amendments thereto.

37 (q) (1) The amount of the increase in fines as specified in this section  
38 shall be remitted by the clerk of the district court to the state treasurer in  
39 accordance with the provisions of K.S.A. 75-4215, and amendments  
40 thereto. Upon receipt of remittance of the increase provided in this act, the  
41 state treasurer shall deposit the entire amount in the state treasury and the  
42 state treasurer shall credit 50% to the community alcoholism and  
43 intoxication programs fund and 50% to the Kansas department for aging

1 and disability services alcohol and drug abuse treatment fund, which is  
2 hereby created in the state treasury.

3 (2) On July 1, 2025, the director of accounts and reports shall transfer  
4 all moneys in the department of corrections alcohol and drug abuse  
5 treatment fund to the Kansas department for aging and disability services  
6 alcohol and drug abuse treatment fund. On July 1, 2025, all liabilities of  
7 the department of corrections alcohol and drug abuse treatment fund are  
8 hereby transferred and imposed on the Kansas department for aging and  
9 disability services alcohol and drug abuse treatment fund, and the  
10 department of corrections alcohol and drug abuse treatment fund is hereby  
11 abolished.

12 (3) On and after July 1, 2011, the amount of \$250 from each fine  
13 imposed pursuant to this section shall be remitted by the clerk of the  
14 district court to the state treasurer in accordance with the provisions of  
15 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
16 remittance, the state treasurer shall credit the entire amount to the  
17 community corrections supervision fund established by K.S.A. 75-52,113,  
18 and amendments thereto.

19 (r) *On and after January 1, 2027, any person convicted of a violation  
20 of this section or a violation of a city ordinance or county resolution  
21 prohibiting the acts prohibited by this section shall be ordered by the court  
22 to attend a victim impact panel program approved by the court pursuant to  
23 section 1, and amendments thereto.*

24 Sec. 4. K.S.A. 12-4416 is hereby amended to read as follows: 12-  
25 4416. (a) A diversion agreement shall provide that if the defendant fulfills  
26 the obligations of the program described therein, as determined by the city  
27 attorney, the city attorney shall act to have the criminal charges against the  
28 defendant dismissed with prejudice. The diversion agreement shall include  
29 specifically the waiver of all rights under the law or the constitution of  
30 Kansas or of the United States to counsel, a speedy arraignment, a speedy  
31 trial, and the right to trial by jury. The diversion agreement may include,  
32 but is not limited to, provisions concerning payment of restitution,  
33 including court costs and diversion costs, residence in a specified facility,  
34 maintenance of gainful employment, and participation in programs  
35 offering medical, educational, vocational, social and psychological  
36 services, corrective and preventive guidance and other rehabilitative  
37 services. The diversion agreement shall state:

38 (1) The defendant's full name;  
39 (2) the defendant's full name at the time the complaint was filed, if  
40 different from the defendant's current name;  
41 (3) the defendant's sex, race and date of birth;  
42 (4) the crime with which the defendant is charged;  
43 (5) the date the complaint was filed; and

1       (6) the municipal court with which the agreement is filed.  
2       (b) If a diversion agreement is entered into in lieu of further criminal  
3 proceedings on a complaint alleging a violation of a city ordinance  
4 prohibiting the acts prohibited by K.S.A. 21-6421, and amendments  
5 thereto, the agreement:

6       (1) Shall include a requirement that the defendant pay a fine specified  
7 by the agreement in an amount equal to an amount authorized by K.S.A.  
8 21-6421, and amendments thereto; and

9 (2) may include a requirement that the defendant enter into and  
10 complete a suitable educational or treatment program regarding  
11 commercial sexual exploitation.

12 (c) If a diversion agreement is entered into in lieu of further criminal  
13 proceedings on a complaint alleging an alcohol related offense, the  
14 diversion agreement shall include a stipulation, agreed to by the defendant  
15 and the city attorney, of the facts upon which the charge is based and a  
16 provision that if the defendant fails to fulfill the terms of the specific  
17 diversion agreement and the criminal proceedings on the complaint are  
18 resumed, the proceedings, including any proceedings on appeal, shall be  
19 conducted on the record of the stipulation of facts relating to the  
20 complaint. In addition, the agreement shall include a requirement that the  
21 defendant:

22 (1) Pay a fine specified by the agreement in an amount equal to an  
23 amount authorized by K.S.A. 8-1567, and amendments thereto, for a first  
24 offense or, in lieu of payment of the fine, perform community service  
25 specified by the agreement, consonant with K.S.A. 8-1567, and  
26 amendments thereto; and

27 (2) participate in an alcohol and drug evaluation conducted by a  
28 licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and  
29 follow any recommendation made by the provider after such evaluation;  
30 and

31       (3) on and after January 1, 2027, attend a victim impact panel  
32 program approved by the court pursuant to section 1, and amendments  
33 thereto.

34 (d) If the person entering into a diversion agreement is a nonresident,  
35 the city attorney shall transmit a copy of the diversion agreement to the  
36 division. The division shall forward a copy of the diversion agreement to  
37 the motor vehicle administrator of the person's state of residence.

38 (e) If the city attorney elects to offer diversion in lieu of further  
39 criminal proceedings on the complaint and the defendant agrees to all of  
40 the terms of the proposed agreement, the diversion agreement shall be  
41 filed with the municipal court and the municipal court shall stay further  
42 proceedings on the complaint. If the defendant declines to accept  
43 diversion, the municipal court shall resume the criminal proceedings on

1 the complaint.

2 (f) The city attorney shall forward to the division of vehicles of the  
3 state department of revenue a copy of the diversion agreement at the time  
4 such agreement is filed with the municipal court. The copy of the  
5 agreement shall be made available upon request to any county, district or  
6 city attorney or court.

7 Sec. 5. K.S.A. 22-2909 is hereby amended to read as follows: 22-  
8 2909. (a) (1) A diversion agreement shall provide that if the defendant  
9 fulfills the obligations of the program described therein, as determined by  
10 the attorney general or county or district attorney, such attorney shall act to  
11 have the criminal charges against the defendant dismissed with prejudice.  
12 The diversion agreement shall include specifically the waiver of all rights  
13 under the law or the constitution of Kansas or of the United States to a  
14 speedy arraignment, preliminary examinations and hearings, and a speedy  
15 trial, and in the case of diversion under subsection (c) waiver of the rights  
16 to counsel and trial by jury. The diversion agreement may include, but is  
17 not limited to, provisions concerning:

18 (A) Payment of restitution, including court costs and diversion costs;  
19 (B) residence in a specified facility;  
20 (C) maintenance of gainful employment;  
21 (D) participation in programs offering medical, educational,  
22 vocational, social and psychological services, corrective and preventive  
23 guidance and other rehabilitative services; and

24 (E) supervision by the county or district attorney, or by court services  
25 or community correctional services pursuant to a memorandum of  
26 understanding entered into by the county or district attorney pursuant to  
27 K.S.A. 22-2907, and amendments thereto, including the diversion  
28 supervision fee and urinalysis costs described in K.S.A. 22-2907, and  
29 amendments thereto, when applicable.

30 (2) If a county creates a local fund under the property crime  
31 restitution and compensation act, a county or district attorney may require  
32 in all diversion agreements as a condition of diversion the payment of a  
33 diversion fee in an amount not to exceed \$100. Such fees shall be  
34 deposited into the local fund and disbursed pursuant to recommendations  
35 of the local board under the property crime restitution and victims  
36 compensation act.

37 (3) If the attorney general enters into a diversion agreement:

38 (A) Any diversion costs or fees collected pursuant to such agreement  
39 shall be deposited in the fraud and abuse criminal prosecution fund  
40 established by K.S.A. 75-765, and amendments thereto; and

41 (B) the attorney general may enter into agreements with the  
42 appropriate county or district attorney or other appropriate parties  
43 regarding the supervision of conditions of such diversion agreement.

- 1       (b) The diversion agreement shall state:  
2       (1) The defendant's full name;  
3       (2) the defendant's full name at the time the complaint was filed, if  
4       different from the defendant's current name;  
5       (3) the defendant's sex, race and date of birth;  
6       (4) the crime with which the defendant is charged;  
7       (5) the date the complaint was filed; and  
8       (6) the district court with which the agreement is filed.  
9       (c) If a diversion agreement is entered into in lieu of further criminal  
10      proceedings on a complaint alleging a violation of K.S.A. 8-1567, and  
11      amendments thereto, the diversion agreement shall include a stipulation,  
12      agreed to by the defendant, the defendant's attorney if the defendant is  
13      represented by an attorney and the attorney general or county or district  
14      attorney, of the facts upon which the charge is based and a provision that if  
15      the defendant fails to fulfill the terms of the specific diversion agreement  
16      and the criminal proceedings on the complaint are resumed, the  
17      proceedings, including any proceedings on appeal, shall be conducted on  
18      the record of the stipulation of facts relating to the complaint. In addition,  
19      the agreement shall include a requirement that the defendant:  
20       (1) Pay a fine specified by the agreement in an amount equal to an  
21      amount authorized by K.S.A. 8-1567, and amendments thereto, for a first  
22      offense or, in lieu of payment of the fine, perform community service  
23      specified by the agreement, in accordance with K.S.A. 8-1567, and  
24      amendments thereto;~~and~~  
25       (2) participate in an alcohol and drug evaluation conducted by a  
26      licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and  
27      follow any recommendation made by the provider after such evaluation;  
28      and  
29       (3) *on and after January 1, 2027, attend a victim impact panel*  
30      *program approved by the court pursuant to section 1, and amendments*  
31      *thereto.*  
32       (d) If a diversion agreement is entered into in lieu of further criminal  
33      proceedings on a complaint alleging a domestic violence offense, as  
34      defined in K.S.A. 21-5111, and amendments thereto, the diversion  
35      agreement shall include a requirement that the defendant undergo a  
36      domestic violence offender assessment and follow all recommendations  
37      unless otherwise agreed to with the prosecutor in the diversion agreement.  
38      The defendant shall be required to pay for such assessment and, unless  
39      otherwise agreed to with the prosecutor in the diversion agreement, for  
40      completion of all recommendations.  
41       (e) If a diversion agreement is entered into in lieu of further criminal  
42      proceedings on a complaint alleging a violation other than K.S.A. 8-1567,  
43      and amendments thereto, the diversion agreement may include a

1 stipulation, agreed to by the defendant, the defendant's attorney if the  
2 defendant is represented by an attorney and the attorney general or county  
3 or district attorney, of the facts upon which the charge is based and a  
4 provision that if the defendant fails to fulfill the terms of the specific  
5 diversion agreement and the criminal proceedings on the complaint are  
6 resumed, the proceedings, including any proceedings on appeal, shall be  
7 conducted on the record of the stipulation of facts relating to the  
8 complaint.

9 (f) If the person entering into a diversion agreement is a nonresident,  
10 the attorney general or county or district attorney shall transmit a copy of  
11 the diversion agreement to the division. The division shall forward a copy  
12 of the diversion agreement to the motor vehicle administrator of the  
13 person's state of residence.

14 (g) If the attorney general or county or district attorney elects to offer  
15 diversion in lieu of further criminal proceedings on the complaint and the  
16 defendant agrees to all of the terms of the proposed agreement, the  
17 diversion agreement shall be filed with the district court and the district  
18 court shall stay further proceedings on the complaint. If the defendant  
19 declines to accept diversion, the district court shall resume the criminal  
20 proceedings on the complaint.

21 (h) Except as provided in subsection (i), if a diversion agreement is  
22 entered into in lieu of further criminal proceedings alleging commission of  
23 a misdemeanor by the defendant, while under 21 years of age, under  
24 K.S.A. 21-5701 through 21-5717, and amendments thereto, or K.S.A. 41-  
25 719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the  
26 agreement shall require the defendant to participate in an alcohol and drug  
27 evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008,  
28 and amendments thereto, and follow any recommendation made by the  
29 provider after such evaluation.

30 (i) If the defendant is 18 or more years of age but less than 21 years  
31 of age and allegedly committed a violation of K.S.A. 41-727, and  
32 amendments thereto, involving cereal malt beverage, the provisions of  
33 subsection (h) are permissive and not mandatory.

34 (j) If a diversion agreement is entered into in lieu of further criminal  
35 proceedings on a complaint alleging a violation of K.S.A. 21-6421, and  
36 amendments thereto, the agreement:

37 (1) Shall include a requirement that the defendant pay a fine specified  
38 by the agreement in an amount equal to an amount authorized by K.S.A.  
39 21-6421, and amendments thereto; and

40 (2) may include a requirement that the defendant enter into and  
41 complete a suitable educational or treatment program regarding  
42 commercial sexual exploitation.

43 (k) Except diversion agreements reported under subsection (l), the

1 attorney general or county or district attorney shall forward to the Kansas  
2 bureau of investigation a copy of the diversion agreement at the time such  
3 agreement is filed with the district court. The copy of the agreement shall  
4 be made available upon request to the attorney general or any county,  
5 district or city attorney or court.

6 (l) At the time of filing the diversion agreement with the district  
7 court, the attorney general or county or district attorney shall forward to  
8 the division of vehicles of the state department of revenue a copy of any  
9 diversion agreement entered into in lieu of further criminal proceedings on  
10 a complaint alleging a violation of K.S.A. 8-1567, and amendments  
11 thereto. The copy of the agreement shall be made available upon request to  
12 the attorney general or any county, district or city attorney or court.

13 Sec. 6. K.S.A. 8-2,144, 12-4416 and 22-2909 and K.S.A. 2025 Supp.  
14 8-1567 are hereby repealed.

15 Sec. 7. This act shall take effect and be in force from and after its  
16 publication in the statute book.