

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2312

As Amended by Senate Committee on Judiciary

Brief*

HB 2312, as amended, would amend eligibility for participation in a non-prison sanction of a certified drug abuse treatment program (SB 123+ program) and authorize community correctional services officers to complete risk-need assessments for defendants being considered for diversion that includes certified drug abuse treatment programs.

The bill would exclude offenders convicted of non-drug felonies where special sentencing rules of presumptive imprisonment apply from participation in an SB 123+ program.

Continuing law allows participation in a certified drug abuse treatment program for certain persons who enter into a diversion agreement in lieu of further criminal proceedings. The bill would authorize community correctional services officers to conduct a criminal risk-needs assessment as part of consideration of whether to allow such diversion to a defendant.

The bill would be in effect upon publication in the *Kansas Register*.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

Background

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of a representative of the Kansas Sentencing Commission.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing, **proponent** testimony was presented by the Executive Director of the Kansas Sentencing Commission, who stated the bill would address confusion in the sentencing process, whether the SB 123+ program or the special sentencing rule takes priority. The proponent also stated that some community corrections officers have agreements with prosecutors to supervise divertees, and the bill would allow the officers to also complete the assessments if they are certified to do so.

Written-only proponent testimony was presented by a representative of the Kansas Community Corrections Association.

Senate Committee on Judiciary

In the Senate Committee hearing, **proponent** testimony was provided by the Executive Director of the Kansas Sentencing Commission. The proponent provided substantially similar testimony as was provided in the House Committee hearing.

No other testimony was provided.

The Senate Committee amended the bill to make the effective date to be upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Kansas Sentencing Commission estimates enactment of the bill could have an effect on prison admissions, bed space, and workload of the Commission; however, any fiscal effect would be negligible. The Department of Corrections indicates any fiscal effect resulting from enactment of the bill would be negligible. The Judicial Branch indicates the bill would not have any effect on agency operations.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates the bill could increase the need for more jail beds as individuals await transfer to state facilities if not approved for participation in a SB 123+ program. The League of Kansas Municipalities indicates that enactment of the bill could increase expenditures for municipalities of the municipal courts, and law enforcement officers would need to develop and implement new procedures. The Association and League were unable to estimate a fiscal effect.

Special sentencing rule; nonprison sanctions; certified drug treatment program