

MEMORANDUM

To: Sheena Ward, Division of the Budget
From: Scott M. Schultz, Executive Director
Date: February 17, 2021
Re: Prison Bed Impact Assessment, **HB 2365 – Providing immunity from criminal prosecution for possession of controlled substances or drug paraphernalia if seeking assistance related to substance use.**

IMPACT ASSESSMENT

- This bill has **no** impact on prison admissions, beds, or the workload of journal entries of the Commission.

SUMMARY OF THE BILL

Section 1. A person and up to four other persons acting in concert with such person are immune from criminal prosecution for a violation of **K.S.A. 21-5706 (possession of controlled substances)** or **21-5709(b)(use or possess drug paraphernalia)** if such person: initiated contact with a law enforcement officer, law enforcement agency or emergency medical services and requested medical assistance on such person's behalf because such person reasonably believed such person was in need of medical assistance; and cooperated with law enforcement officers and emergency medical services personnel in providing such medical assistance.

In addition, if such person initiated contact with law enforcement or emergency medical services, or was one of not more than four persons who acted in concert with such person, and requested medical assistance for another person who reasonably appeared to be in need of medical assistance and provided such person's full name, the names of not more than four other persons acting in concert with such person, if applicable, and any other relevant information requested by law enforcement or emergency medical services.

FINDINGS

- In FY 2019, **3,448** offenders were convicted of a felony crime under K.S.A 21-5706. Of this number:
 - 382 (11%) were sentenced to prison;
 - 1,588 (46%) were sentenced to probation; and
 - 1,476 (43%) were sentenced to SB 123 treatment.
- In FY 2019, **116** offenders were convicted of a felony crime under K.S.A 21-5709(b). Of this number:
 - 7 (6%) were sentenced to prison; and
 - 119 (94%) were sentenced to probation.

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