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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: March 20, 2024
Subject: Bill Brief for HB 2601

House Bill 2601 requires certain persons to participate in a multidisciplinary model of services for substance use disorders on a third or subsequent conviction of driving under the influence.

The bill amends K.S.A. 8-1567, the statute providing criminal penalties for driving under the influence. Under current law, for a person convicted of a first or second violation (a class B, nonperson misdemeanor and a class A, nonperson misdemeanor), the court is required to order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008 and the person is required to follow any recommendation made by the provider, unless otherwise ordered by the court. For a person convicted of a third violation who does not have a prior conviction within the immediately preceding 10 years (a class A, nonperson misdemeanor), the court determines whether the person, upon release from imprisonment, shall be supervised by community corrections or court services based on a risk and needs assessment. During a mandatory one-year period of supervision, the person is required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community-based substance use disorder treatment including recovery management and mental health counseling as needed.

The bill provides that certain felony offenders will also participate in a multidisciplinary model of services for substance use disorders. For a person convicted of a third violation who has a prior conviction within the immediately preceding 10 years or a person convicted of a fourth or subsequent violation (a severity level 6, nonperson felony), if the person is granted probation, the court shall determine whether the person shall be supervised by community corrections or court

services based on a risk and needs assessment. During the probation term, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency. The person shall be assessed and, if appropriate, referred to community-based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the person's supervision officer, the Kansas department for aging and disability services designated treatment provider and the person serving probation.

The bill would take effect from and after publication in the statute book, July 1, 2024.