

## HOUSE BILL No. 2026

By Joint Committee on Corrections and Juvenile Justice Oversight

12-31

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1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to diversion agreements; creating a certified drug abuse treatment  
3 program for people on diversion; providing for supervision by court  
4 services or community corrections; amending K.S.A. 22-2907, 75-5291  
5 and 75-52,144 and K.S.A. 2020 Supp. 22-2909 and repealing the  
6 existing sections.  
7

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

9 New Section 1. (a) There is hereby established a certified drug abuse  
10 treatment program for certain persons who enter into a diversion  
11 agreement in lieu of further criminal proceedings on and after July 1,  
12 2021. Placement of divertees in a certified drug abuse treatment program  
13 pursuant to a diversion agreement shall be limited to placement of adults,  
14 on a complaint alleging a felony violation of K.S.A. 2020 Supp. 21-5706,  
15 and amendments thereto, whose offense is classified in grid blocks 5-C, 5-  
16 D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug  
17 crimes who have no felony conviction of K.S.A. 65-4142, 65-4159, 65-  
18 4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-  
19 36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2020 Supp.  
20 21-5703, 21-5705 or 21-5716, and amendments thereto, or any  
21 substantially similar offense from another jurisdiction.

22 (b) As part of the consideration of whether or not to allow diversion  
23 to the defendant, a divertee who meets the requirements of subsection (a)  
24 shall be subject to:

25 (1) A drug abuse assessment that shall include a clinical interview  
26 with a mental health professional and a recommendation concerning drug  
27 abuse treatment for the divertee; and

28 (2) a standardized criminal risk-need assessment specified by the  
29 Kansas sentencing commission.

30 (c) The diversion agreement shall require the divertee to comply with  
31 and participate in a certified drug abuse treatment program if the divertee  
32 meets the assessment criteria set by the Kansas sentencing commission.  
33 The term of treatment shall not exceed 18 months.

34 (d) Divertees who are committed to a certified drug abuse treatment  
35 program pursuant to subsection (c) may be supervised by community  
36 correctional services or court services pursuant to a memorandum of

1 understanding entered into pursuant to K.S.A. 22-2907, and amendments  
2 thereto.

3 (e) (1) Divertees in a certified drug abuse treatment program shall be  
4 discharged from the program if the divertee:

5 (A) Is convicted of a new felony; or

6 (B) has a pattern of intentional conduct that demonstrates the  
7 divertee's refusal to comply with or participate in the treatment program in  
8 the opinion of the county or district attorney.

9 (2) Divertees who are discharged from such program pursuant to  
10 paragraph (1) shall be subject to the revocation provisions of the divertee's  
11 diversion agreement.

12 (f) For the purposes of this section:

13 (1) "Mental health professional" includes licensed social workers,  
14 persons licensed to practice medicine and surgery, licensed psychologists,  
15 licensed professional counselors or registered alcohol and other drug abuse  
16 counselors licensed or certified as addiction counselors who have been  
17 certified by the secretary of corrections to treat persons pursuant to K.S.A.  
18 2020 Supp. 75-52,144, and amendments thereto.

19 (2) "Divertee" means a person who has entered into a diversion  
20 agreement pursuant to K.S.A. 22-2909, and amendments thereto.

21 Sec. 2. K.S.A. 22-2907 is hereby amended to read as follows: 22-  
22 2907. ~~(1)~~(a) After a complaint has been filed charging a defendant with  
23 commission of a crime and prior to conviction thereof, and after the  
24 district attorney has considered the factors listed in K.S.A. 22-2908, if it  
25 appears to the district attorney that diversion of the defendant would be in  
26 the interests of justice and of benefit to the defendant and the community,  
27 the district attorney may propose a diversion agreement to the defendant.  
28 The terms of each diversion agreement shall be established by the district  
29 attorney in accordance with K.S.A. 22-2909, *and amendments thereto*.

30 ~~(2)~~(b) Each district attorney shall adopt written policies and  
31 guidelines for the implementation of a diversion program in accordance  
32 with this act. Such policies and guidelines shall provide for a diversion  
33 conference and other procedures in those cases where the district attorney  
34 elects to offer diversion in lieu of further criminal proceedings on the  
35 complaint.

36 ~~(3)~~(c) Each defendant shall be informed in writing of the diversion  
37 program and the policies and guidelines adopted by the district attorney.  
38 The district attorney may require any defendant requesting diversion to  
39 provide information regarding prior criminal charges, education, work  
40 experience and training, family, residence in the community, medical  
41 history, including any psychiatric or psychological treatment or  
42 counseling, and other information relating to the diversion program. In all  
43 cases, the defendant shall be present and shall have the right to be

1 represented by counsel at the diversion conference with the district  
2 attorney.

3 *(d) (1) A county or district attorney may enter into a memorandum of*  
4 *understanding with the chief judge of a judicial district or community*  
5 *correctional services to assist with supervision and monitoring of persons*  
6 *who have entered into a diversion agreement. The county or district*  
7 *attorney shall retain authority over whether a defendant is given the*  
8 *option to enter into a diversion agreement and whether the defendant's*  
9 *diversion agreement will be revoked.*

10 *(2) A memorandum of understanding shall include provisions related*  
11 *to:*

12 *(A) Determining the level of supervision needed for a defendant;*

13 *(B) use of a criminal risk-need assessment; and*

14 *(C) payment of costs for supervision.*

15 *(3) When a person who has entered into a diversion agreement is*  
16 *supervised pursuant to a memorandum of understanding under this*  
17 *subsection, the person shall pay a supervision fee in the amount*  
18 *established in K.S.A. 2020 Supp. 21-6607(c)(3)(A) for misdemeanor or*  
19 *felony post-conviction supervision, as appropriate for the crime charged.*  
20 *The diversion supervision fee imposed by this paragraph shall be charged*  
21 *and collected by the district court. The clerk of the district court shall*  
22 *remit all moneys received under this paragraph from diversion supervision*  
23 *fees to the state treasurer in accordance with the provisions of K.S.A. 75-*  
24 *4215, and amendments thereto. Upon receipt of each such remittance, the*  
25 *state treasurer shall deposit the entire amount in the state treasury and*  
26 *credit such amounts as follows: To the state general fund, a sum equal to*  
27 *41.67% of such remittance; and to the correctional supervision fund, a*  
28 *sum equal to 58.33% of such remittance. The diversion supervision fee*  
29 *specified by this paragraph may be reduced or waived by the supervision*  
30 *officer.*

31 *(4) When a person who has entered into a diversion agreement is*  
32 *supervised pursuant to a memorandum of understanding under this*  
33 *subsection, the person shall pay the actual costs of any urinalysis testing*  
34 *required as a term of supervision. Payments for urinalysis testing shall be*  
35 *remitted to the county treasurer for deposit in the county general fund. The*  
36 *costs of urinalysis testing may be reduced or waived by the county or*  
37 *district attorney.*

38 *(5) The office of judicial administration may develop guidelines*  
39 *regarding the content of a memorandum of understanding between a*  
40 *county or district attorney and the chief judge of a judicial district and the*  
41 *administration of a supervision program operating pursuant to such*  
42 *memorandum of understanding.*

43 Sec. 3. K.S.A. 2020 Supp. 22-2909 is hereby amended to read as

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

12 (A) Payment of restitution, including court costs and diversion costs;;

13 (B) residence in a specified facility;;

14 (C) maintenance of gainful employment; ~~and;~~

15 (D) participation in programs offering medical, educational,  
16 vocational, social and psychological services, corrective and preventive  
17 guidance and other rehabilitative services; *and*

18 (E) *supervision by the county or district attorney, or by court services*  
19 *or community correctional services pursuant to a memorandum of*  
20 *understanding entered into by the county or district attorney pursuant to*  
21 *K.S.A. 22-2907, and amendments thereto, including the diversion*  
22 *supervision fee and urinalysis costs described in K.S.A. 22-2907, and*  
23 *amendments thereto, when applicable.*

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

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

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

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

38 (b) The diversion agreement shall state:

39 (1) The defendant's full name;

40 (2) the defendant's full name at the time the complaint was filed, if  
41 different from the defendant's current name;

42 (3) the defendant's sex, race and date of birth;

43 (4) the crime with which the defendant is charged;

1 (5) the date the complaint was filed; and

2 (6) the district court with which the agreement is filed.

3 (c) If a diversion agreement is entered into in lieu of further criminal  
4 proceedings on a complaint alleging a violation of K.S.A. 8-1567, and  
5 amendments thereto, the diversion agreement shall include a stipulation,  
6 agreed to by the defendant, the defendant's attorney if the defendant is  
7 represented by an attorney and the attorney general or county or district  
8 attorney, of the facts upon which the charge is based and a provision that if  
9 the defendant fails to fulfill the terms of the specific diversion agreement  
10 and the criminal proceedings on the complaint are resumed, the  
11 proceedings, including any proceedings on appeal, shall be conducted on  
12 the record of the stipulation of facts relating to the complaint. In addition,  
13 the agreement shall include a requirement that the defendant:

14 (1) Pay a fine specified by the agreement in an amount equal to an  
15 amount authorized by K.S.A. 8-1567, and amendments thereto, for a first  
16 offense or, in lieu of payment of the fine, perform community service  
17 specified by the agreement, in accordance with K.S.A. 8-1567, and  
18 amendments thereto; and

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

22 (d) If a diversion agreement is entered into in lieu of further criminal  
23 proceedings on a complaint alleging a domestic violence offense, as  
24 defined in K.S.A. 2020 Supp. 21-5111, and amendments thereto, the  
25 diversion agreement shall include a requirement that the defendant  
26 undergo a domestic violence offender assessment and follow all  
27 recommendations unless otherwise agreed to with the prosecutor in the  
28 diversion agreement. The defendant shall be required to pay for such  
29 assessment and, unless otherwise agreed to with the prosecutor in the  
30 diversion agreement, for completion of all recommendations.

31 (e) If a diversion agreement is entered into in lieu of further criminal  
32 proceedings on a complaint alleging a violation other than K.S.A. 8-1567,  
33 and amendments thereto, the diversion agreement may include a  
34 stipulation, agreed to by the defendant, the defendant's attorney if the  
35 defendant is represented by an attorney and the attorney general or county  
36 or district attorney, of the facts upon which the charge is based and a  
37 provision that if the defendant fails to fulfill the terms of the specific  
38 diversion agreement and the criminal proceedings on the complaint are  
39 resumed, the proceedings, including any proceedings on appeal, shall be  
40 conducted on the record of the stipulation of facts relating to the  
41 complaint.

42 (f) If the person entering into a diversion agreement is a nonresident,  
43 the attorney general or county or district attorney shall transmit a copy of

1 the diversion agreement to the division. The division shall forward a copy  
2 of the diversion agreement to the motor vehicle administrator of the  
3 person's state of residence.

4 (g) If the attorney general or county or district attorney elects to offer  
5 diversion in lieu of further criminal proceedings on the complaint and the  
6 defendant agrees to all of the terms of the proposed agreement, the  
7 diversion agreement shall be filed with the district court and the district  
8 court shall stay further proceedings on the complaint. If the defendant  
9 declines to accept diversion, the district court shall resume the criminal  
10 proceedings on the complaint.

11 (h) Except as provided in subsection (i), if a diversion agreement is  
12 entered into in lieu of further criminal proceedings alleging commission of  
13 a misdemeanor by the defendant, while under 21 years of age, under  
14 K.S.A. 2020 Supp. 21-5701 through 21-5717, and amendments thereto, or  
15 K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments  
16 thereto, the agreement shall require the defendant to participate in an  
17 alcohol and drug evaluation conducted by a licensed provider pursuant to  
18 K.S.A. 8-1008, and amendments thereto, and follow any recommendation  
19 made by the provider after such evaluation.

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

24 (j) If a diversion agreement is entered into in lieu of further criminal  
25 proceedings on a complaint alleging a violation of K.S.A. 2020 Supp. 21-  
26 6421, and amendments thereto, the agreement:

27 (1) Shall include a requirement that the defendant pay a fine specified  
28 by the agreement in an amount equal to an amount authorized by K.S.A.  
29 2020 Supp. 21-6421, and amendments thereto; and

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

33 (k) Except diversion agreements reported under subsection (l), the  
34 attorney general or county or district attorney shall forward to the Kansas  
35 bureau of investigation a copy of the diversion agreement at the time such  
36 agreement is filed with the district court. The copy of the agreement shall  
37 be made available upon request to the attorney general or any county,  
38 district or city attorney or court.

39 (l) At the time of filing the diversion agreement with the district  
40 court, the attorney general or county or district attorney shall forward to  
41 the division of vehicles of the state department of revenue a copy of any  
42 diversion agreement entered into in lieu of further criminal proceedings on  
43 a complaint alleging a violation of K.S.A. 8-1567, and amendments

1 thereto. The copy of the agreement shall be made available upon request to  
2 the attorney general or any county, district or city attorney or court.

3 Sec. 4. K.S.A. 75-5291 is hereby amended to read as follows: 75-  
4 5291. (a) (1) The secretary of corrections may make grants to counties for  
5 the development, implementation, operation and improvement of  
6 community correctional services that address the criminogenic needs of  
7 felony offenders including, but not limited to, adult intensive supervision,  
8 substance abuse and mental health services, employment and residential  
9 services, and facilities for the detention or confinement, care or treatment  
10 of offenders as provided in this section except that no community  
11 corrections funds shall be expended by the secretary for the purpose of  
12 establishing or operating a conservation camp as provided by K.S.A. 75-  
13 52,127, and amendments thereto.

14 (2) Except as otherwise provided, placement of offenders in a  
15 community correctional services program by the court shall be limited to  
16 placement of adult offenders, convicted of a felony offense:

17 (A) Who, on or after July 1, 2014, are determined to be moderate  
18 risk, high risk or very high risk by use of a statewide, mandatory,  
19 standardized risk assessment tool or instrument which shall be specified by  
20 the Kansas sentencing commission;

21 (B) whose severity level and criminal history score designate a  
22 presumptive prison sentence on either sentencing guidelines grid but  
23 receive a nonprison sentence as a result of departure;

24 (C) ~~all offenders~~ *who have been* convicted of an offense which  
25 satisfies the definition of offender pursuant to K.S.A. 22-4902, and  
26 amendments thereto, and which is classified as a severity level 7 or higher  
27 offense and who receive a nonprison sentence, regardless of the manner in  
28 which the sentence is imposed;

29 (D) ~~any offender~~ for whom a violation of conditions of release or  
30 assignment or a nonprison sanction has been established as provided in  
31 K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in  
32 the offender being required to serve any time for the sentence imposed or  
33 which might originally have been imposed in a state facility in the custody  
34 of the secretary of corrections;

35 (E) *who have been* placed in a community correctional services  
36 program as a condition of supervision following the successful completion  
37 of a conservation camp program;

38 (F) who have been sentenced to community corrections supervision  
39 pursuant to K.S.A. 21-4729, prior to its repeal, or K.S.A. 2020 Supp. 21-  
40 6824, and amendments thereto; or

41 (G) who have been placed in a community correctional services  
42 program for supervision by the court pursuant to K.S.A. 8-1567, and  
43 amendments thereto.

1       ~~(3) Notwithstanding any law to the contrary and subject to the~~  
2 ~~availability of funding therefor, adult offenders sentenced to community~~  
3 ~~supervision in Johnson county for felony crimes that occurred on or after~~  
4 ~~July 1, 2002, but before July 1, 2013, shall be placed under court services~~  
5 ~~or community corrections supervision based upon court rules issued by the~~  
6 ~~chief judge of the 10<sup>th</sup> judicial district. The provisions contained in this~~  
7 ~~subsection shall not apply to offenders transferred by the assigned agency~~  
8 ~~to an agency located outside of Johnson county. The provisions of this~~  
9 ~~paragraph shall expire on July 1, 2013.~~

10       (4) Nothing in this act shall prohibit a community correctional  
11 services program from providing services to juvenile offenders upon  
12 approval by the local community corrections advisory board. Grants from  
13 community corrections funds administered by the secretary of corrections  
14 shall not be expended for such services.

15       ~~(5)~~(4) *Nothing in this act shall prohibit a community correctional*  
16 *services program from providing services to persons pursuant to a*  
17 *memorandum of understanding entered into by a community correctional*  
18 *services program and a county or district attorney pursuant to K.S.A. 22-*  
19 *2907, and amendments thereto.*

20       (5) The court may require an offender for whom a violation of  
21 conditions of release or assignment or a nonprison sanction has been  
22 established, as provided in K.S.A. 22-3716, and amendments thereto, to  
23 serve any time for the sentence imposed or which might originally have  
24 been imposed in a state facility in the custody of the secretary of  
25 corrections without a prior assignment to a community correctional  
26 services program if the court finds and sets forth with particularity the  
27 reasons for finding that the safety of the members of the public will be  
28 jeopardized or that the welfare of the inmate will not be served by such  
29 assignment to a community correctional services program.

30       (b) (1) In order to establish a mechanism for community correctional  
31 services to participate in the department of corrections annual budget  
32 planning process, the secretary of corrections shall establish a community  
33 corrections advisory committee to identify new or enhanced correctional  
34 or treatment interventions designed to divert offenders from prison.

35       (2) The secretary shall appoint one member from the southeast  
36 community corrections region, one member from the northeast community  
37 corrections region, one member from the central community corrections  
38 region and one member from the western community corrections region.  
39 The deputy secretary of community and field services shall designate two  
40 members from the state at large. The secretary shall have final  
41 appointment approval of the members designated by the deputy secretary.  
42 The committee shall reflect the diversity of community correctional  
43 services with respect to geographical location and average daily population



1 of offenders under supervision.

2 (3) Each member shall be appointed for a term of three years and  
 3 such terms shall be staggered as determined by the secretary. Members  
 4 shall be eligible for reappointment.

5 (4) The committee, in collaboration with the deputy secretary of  
 6 community and field services or the deputy secretary's designee, shall  
 7 routinely examine and report to the secretary on the following issues:

- 8 (A) Efficiencies in the delivery of field supervision services;
- 9 (B) effectiveness and enhancement of existing interventions;
- 10 (C) identification of new interventions; and
- 11 (D) statewide performance indicators.

12 (5) The committee's report concerning enhanced or new interventions  
 13 shall address:

- 14 (A) Goals and measurable objectives;
- 15 (B) projected costs;
- 16 (C) the impact on public safety; and
- 17 (D) the evaluation process.

18 (6) The committee shall submit its report to the secretary annually on  
 19 or before July 15 in order for the enhanced or new interventions to be  
 20 considered for inclusion within the department of corrections budget  
 21 request for community correctional services or in the department's  
 22 enhanced services budget request for the subsequent fiscal year.

23 Sec. 5. K.S.A. 75-52,144 is hereby amended to read as follows: 75-  
 24 52,144. (a) Drug abuse treatment programs certified in accordance with  
 25 subsection (b) shall provide:

26 (1) ~~Presentence~~—Drug abuse assessments of any person who is  
 27 convicted of *or being considered for a diversion agreement in lieu of*  
 28 *further criminal proceedings* for a felony violation of K.S.A. 65-4160 or  
 29 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior  
 30 to its transfer, or K.S.A. 2020 Supp. 21-5706, and amendments thereto,  
 31 and meets the requirements of K.S.A. 21-4729, prior to its repeal, ~~or~~  
 32 ~~subsection (a) of~~ K.S.A. 2020 Supp. 21-6824(a) *or section 1*, and  
 33 amendments thereto;

34 (2) treatment of all persons who are convicted of *or entered into a*  
 35 *diversion agreement in lieu of further criminal proceedings* for a felony  
 36 violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal,  
 37 K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2020 Supp.  
 38 21-5706, and amendments thereto, meet the requirements of K.S.A. 21-  
 39 4729, prior to its repeal, ~~or~~ K.S.A. 2020 Supp. 21-6824 *or section 1*, and  
 40 amendments thereto, and whose sentence requires completion of a  
 41 certified drug abuse treatment program, as provided in this section;

42 (3) one or more treatment options in the continuum of services  
 43 needed to reach recovery: Detoxification, rehabilitation, continuing care

1 and aftercare, and relapse prevention;

2 (4) treatment options to incorporate family and auxiliary support  
3 services; and

4 (5) treatment options for alcohol abuse when indicated by the  
5 assessment of the offender or required by the court.

6 (b) The ~~presentence~~ criminal risk-need assessment shall be conducted  
7 by a court services officer or a community corrections officer. The  
8 ~~presentence~~ drug abuse treatment program placement assessment shall be  
9 conducted by a drug abuse treatment program certified in accordance with  
10 the provisions of this subsection to provide assessment and treatment  
11 services. A drug abuse treatment program shall be certified by the  
12 secretary of corrections. The secretary may establish qualifications for the  
13 certification of programs, which may include requirements for supervision  
14 and monitoring of clients; fee reimbursement procedures; handling of  
15 conflicts of interest; delivery of services to clients unable to pay; and  
16 other matters relating to quality and delivery of services by the program.  
17 Drug abuse treatment may include community based and faith based  
18 programs. The certification shall be for a four-year period. Recertification  
19 of a program shall be by the secretary. To be eligible for certification under  
20 this subsection, the secretary shall determine that a drug abuse treatment  
21 program:

22 (1) Meets the qualifications established by the secretary;

23 (2) is capable of providing the assessments, supervision and  
24 monitoring required under subsection (a);

25 (3) has employed or contracted with certified treatment providers;  
26 and

27 (4) meets any other functions and duties specified by law.

28 (c) Any treatment provider who is employed or has contracted with a  
29 certified drug abuse treatment program who provides services to offenders  
30 shall be certified by the secretary of corrections. The secretary shall  
31 require education and training ~~which~~ that shall include, but not be limited to,  
32 to, case management and cognitive behavior training. The duties of  
33 providers who prepare the presentence drug abuse assessment may also  
34 include appearing at sentencing and probation hearings in accordance with  
35 the orders of the court, monitoring offenders in the treatment programs,  
36 notifying the probation department and the court of any offender failing to  
37 meet the conditions of probation or referrals to treatment, appearing at  
38 revocation hearings as may be required and providing assistance and data  
39 reporting and program evaluation.

40 (d) (1) The cost for all drug abuse assessments performed pursuant to  
41 subsection (a)(1), and the cost for all certified drug abuse treatment  
42 programs for any person who meets the requirements of K.S.A. 2020  
43 Supp. 21-6824 *or section 1*, and amendments thereto, shall be paid by the

1 Kansas sentencing commission from funds appropriated for such purpose.  
2 The Kansas sentencing commission shall contract for payment for such  
3 services with the supervising agency.

4 (2) The sentencing court shall determine the extent, if any, that such  
5 person is able to pay for such assessment and treatment. Such payments  
6 shall be used by the supervising agency to offset costs to the state. If such  
7 financial obligations are not met or cannot be met, the sentencing court  
8 shall be notified for the purpose of collection or review and further action  
9 on the offender's sentence.

10 (3) *If the person has entered into a diversion agreement in lieu of*  
11 *further criminal proceedings, the county or district attorney shall*  
12 *determine the extent, if any, that such person is able to pay for such*  
13 *assessment and treatment. Such payments shall be used by the supervising*  
14 *agency to offset costs to the state or county. If such financial obligations*  
15 *are not met or cannot be met, the county or district attorney shall be*  
16 *notified for the purpose of collection or review and further action on the*  
17 *person's diversion agreement.*

18 (e) The community corrections staff shall work with the substance  
19 abuse treatment staff to ensure effective supervision and monitoring of the  
20 offender.

21 (f) The secretary of corrections is hereby authorized to adopt rules  
22 and regulations to carry out the provisions of this section.

23 Sec. 6. K.S.A. 22-2907, 75-5291 and 75-52,144 and K.S.A. 2020  
24 Supp. 22-2909 are hereby repealed.

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