

## 2023 Kansas Statutes

**75-52,144. Certified drug abuse treatment programs; presentence criminal risk-need assessment; certified treatment providers; cost of programs.** (a) Drug abuse treatment programs certified in accordance with subsection (b) shall provide:

(1) Drug abuse assessments of any person who is convicted of or being considered for a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, and meets the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 21-6824(a) or 21-6825, and amendments thereto;

(2) treatment of all persons who are convicted of or entered into a diversion agreement in lieu of further criminal proceedings for a felony violation of K.S.A. 65-4160 or 65-4162, prior to such section's repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 21-5706, and amendments thereto, meet the requirements of K.S.A. 21-4729, prior to its repeal, K.S.A. 21-6824 or 21-6825, and amendments thereto, and whose sentence requires completion of a certified drug abuse treatment program, as provided in this section;

(3) one or more treatment options in the continuum of services needed to reach recovery: Detoxification, rehabilitation, continuing care and aftercare, and relapse prevention;

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

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

(b) The criminal risk-need assessment shall be conducted by a court services officer. The drug abuse treatment program placement assessment shall be conducted by a drug abuse treatment program certified in accordance with the provisions of this subsection to provide assessment and treatment services. A drug abuse treatment program shall be certified by the Kansas sentencing commission. The commission may establish qualifications for the certification of programs, which may include requirements for supervision and monitoring of clients, fee reimbursement procedures, handling of conflicts of interest, delivery of services to clients unable to pay and other matters relating to quality and delivery of services by the program. Drug abuse treatment may include community based and faith based programs. The certification shall be for a four-year period. The commission may establish a process for revoking certification of programs that do not meet the commission's qualifications for certification. Recertification of a program shall be by the commission. To be eligible for certification or recertification under this subsection, the commission shall determine that a drug abuse treatment program:

(1) Meets the qualifications established by the commission;

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

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

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

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

(d) (1) The cost for all drug abuse assessments performed pursuant to subsection (a) (1), and the cost for all certified drug abuse treatment programs for any person who meets the requirements of K.S.A. 21-6824 or 21-6825, and amendments thereto, shall be paid by the Kansas sentencing commission from funds appropriated for such purpose. The Kansas sentencing commission shall contract for payment for such

services with the supervising agency.

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

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

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

(f) The Kansas sentencing commission is hereby authorized to adopt rules and regulations to carry out the provisions of this section.

**History:** L. 2003, ch. 135, § 2; L. 2009, ch. 32, § 61; L. 2011, ch. 30, § 282; L. 2012, ch. 150, § 51; L. 2021, ch. 109, § 9; L. 2022, ch. 73, § 8; July 1.