

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Corrections and Juvenile Justice** recommends **HB 2090** be amended on page 1, in line 6, by striking "2016" and inserting "2017"; in line 10, by striking "2016" and inserting "2017";

On page 3, in line 30, by striking "2016" and inserting "2017"; in line 33, by striking "2016" and inserting "2017"; in line 43, by striking "2016" and inserting "2017";

On page 4, in line 39, after "(1)" by inserting "The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2017 Supp. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section. The defendant's term of imprisonment shall be served in the custody of the secretary of corrections in a facility designated by the secretary. Subject to appropriations therefore, the defendant shall participate in an intensive substance abuse treatment program, of at least four months duration, selected by the secretary of corrections. If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review. Upon the successful completion of such intensive treatment program, the offender shall be returned to the court and the court may modify the sentence by directing that a less severe penalty be imposed in lieu of that originally adjudged. If the offender's term of imprisonment

expires, the offender shall be placed under the applicable period of postrelease supervision.

(2) Such defendant's term of imprisonment shall not be subject to modification under paragraph (1) if the defendant has refused to participate in a certified drug treatment program, as provided in K.S.A. 2017 Supp. 75-52,144, and amendments thereto, or an intensive substance abuse treatment program under paragraph (1).

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(g) (1)";

Also on page 4, in line 42, by striking "2016" and inserting "2017";

On page 5, in line 1, by striking "(f)" and inserting "(g)"; in line 5, by striking "(f)" and inserting "(g)"; in line 9, by striking "2016" and inserting "2017"; in line 10, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 39, by striking "2016" and inserting "2017"; in line 41, by striking "2016" and inserting "2017";

On page 6, in line 6, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017";

On page 7, in line 2, by striking "2016" and inserting "2017"; in line 9, by striking "2016" and inserting "2017"; in line 31, by striking "2016" and inserting "2017";

On page 8, in line 16, by striking "2016" and inserting "2017"; in line 25, by striking "2016" and inserting "2017"; in line 34, by striking "2016" and inserting "2017";

On page 9, in line 5, by striking "2016" and inserting "2017"; in line 23, by striking "2016" and inserting "2017"; in line 29, by striking "2016" and inserting "2017";

On page 11, in line 11, by striking "2016" and inserting "2017"; in line 20, by striking "2016" and inserting "2017"; in line 24, by striking "2016" and inserting "2017"; in line 26, by striking "2016" and inserting "2017"; in line 28, by striking "2016" and inserting "2017"; in line 30, by striking "2016" and

inserting "2017"; in line 40, by striking "2016" and inserting "2017";

On page 12, in line 12, by striking "2016" and inserting "2017";

On page 13, in line 27, by striking "2016" and inserting "2017";

On page 14, in line 21, by striking "2016" and inserting "2017";

On page 15, in line 5, by striking "2016" and inserting "2017";

On page 1, in the title, in line 3, by striking "2016" and inserting "2017"; and the bill be passed as amended.

_____Chairperson