

SESSION OF 2006

## SUPPLEMENTAL NOTE ON SENATE BILL NO. 351

As Amended by Senate Committee of the Whole

### **Brief\***

SB 351 would amend statutes providing for non-prison sentences for certain drug offenders and presentence risk assessments and alcohol and drug treatment assessments. The bill would provide the non-prison sanction option and performance of the assessments would not apply to defendants who are residents of another state and who will be returned to that state and to offenders who are not lawfully present in the United States.

The bill also would provide that an offender in a drug abuse treatment program shall be discharged for the conviction of any new felony. Current law provides an exception for new felony convictions for drug possession.

### **Background**

The bill was recommended by the 2005 Joint Committee on Corrections and Juvenile Justice as a means to clarify when the non-prison drug sanction would apply and to save money on unnecessary assessments.

The Senate Committee of the Whole added the amendment dealing with reasons for discharge from drug treatment programs.

The fiscal note states that the Kansas Sentencing Commission could realize State General Fund expenditure savings of between \$18,047 and \$38,723 if SB 351 were enacted. These savings would come in fewer drug and alcohol assessments being ordered by the courts and from one-time savings from shifting the assessments to the post-sentence phase. The agency estimates between 28-70 fewer drug and alcohol assessments would be requested by the courts each year at an average cost of \$185 per assessment. This would save between \$5,180 and \$12,950 each year. The agency also estimates

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

that between \$12,867 and \$25,773 would be saved from moving the drug and alcohol assessments to the post-sentence phase. This estimate is made using the assumption that between 5.0 percent and 10.0 percent of \$257,335 in assessments would be shifted to FY 2008. The shifting of the assessments would be considered one-time savings. Any fiscal effect resulting from the passage of SB 351 has not been included in *The FY 2007 Governor's Budget Report*.