



Written Testimony on HB2026

Submitted To

Senate Judiciary Committee

By

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On behalf of Secretary Zmuda, I appreciate the opportunity to offer this written testimony from the Kansas Department of Corrections on the proposed changes in House Bill 2026. We are neutral on the bill as proposed.

HB2026 proposes to establish a certified drug abuse treatment program for persons who enter into a diversion agreement with a county or district attorney in lieu of further criminal proceedings. In addition, the bill contains provisions that permit the divertee to be supervised by community correctional services or court services, and further for the county or district attorney to enter into a memorandum of understanding with one of those organizations for assistance with supervision and monitoring of persons who have entered into a diversion agreement.

As the Kansas Department of Corrections provides administrative oversight and grant funding, with those grants being the primary funding source for many of the local community corrections programs operated by local Boards of County Commissioners, we want to support this concept and draw the Committee's attention to the resource needs for this to be effective.

Corrections agencies in Kansas have caseloads that today are too high, the statewide average being 50 probationers to one probation officer and some exceeding 70 to 1. And that since 2013, these programs are operating on level grant funding, all while operational and healthcare costs for employees have steadily increased.

That said, increasing criminal justice system capacity through diversion would provide additional, and earlier, means for law enforcement, prosecutors and courts to intervene in criminal behavior. Intervention at an earlier stage of the criminal justice system has been demonstrated as effective in other criminal justice systems and present an opportunity for Kansas on at least these fronts.

- Addressing the behavior sooner, rather than later, contributes to less reoffending and fewer future crime victims.

- Providing an opportunity for diversion, and access to evidence-based treatment interventions, can contribute to reduced jail days for local units of government for persons who are rearrested on future offenses or sanctioned by the court for non-compliance.
- Intervening earlier increases the opportunity to serve persons in the community, where they retain their current employment, housing, and connections in the community, while being responsible for the violation of law.
- While the offenses proposed for diversion are for the most part ineligible for a prison sentence, some will suggest to you that these offenders escalate in their behavior. Those who do escalate often become eligible for prison on the later crimes, intervening earlier would reduce the frequency of those events.

This legislation would create new, and potentially more effective, responses to drug addiction. We simply ask that the Committee carefully consider if this bill will provide the resources needed by any entity entering into a memorandum of agreement to provide supervision and monitoring of divertees that will be adequate enough to provide a meaningful opportunity for the divertee to change their behavior, and to keep the public safe.

In closing. We appreciate that the Committee, and the Legislature as a whole, are discussing the public policies of Kansas as they relate to the criminal justice system. We will strive to be a resource to you as you continue your policy work.

Thank you