

**SENATE BILL No. 414**

By Committee on Judiciary

1-27

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to driving under the influence; authorizing staggered sentencing  
3 therefor; amending K.S.A. 2021 Supp. 8-1567 and repealing the  
4 existing section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 8-1567 is hereby amended to read as  
8 follows: 8-1567. (a) Driving under the influence is operating or attempting  
9 to operate any vehicle within this state while:

10 (1) The alcohol concentration in the person's blood or breath as  
11 shown by any competent evidence, including other competent evidence, as  
12 defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

13 (2) the alcohol concentration in the person's blood or breath, as  
14 measured within three hours of the time of operating or attempting to  
15 operate a vehicle, is 0.08 or more;

16 (3) under the influence of alcohol to a degree that renders the person  
17 incapable of safely driving a vehicle;

18 (4) under the influence of any drug or combination of drugs to a  
19 degree that renders the person incapable of safely driving a vehicle; or

20 (5) under the influence of a combination of alcohol and any drug or  
21 drugs to a degree that renders the person incapable of safely driving a  
22 vehicle.

23 (b) (1) Driving under the influence is:

24 (A) On a first conviction a class B, nonperson misdemeanor. The  
25 person convicted shall be sentenced to not less than 48 consecutive hours  
26 nor more than six months' imprisonment, or in the court's discretion 100  
27 hours of public service, and fined not less than \$750 nor more than \$1,000.  
28 The person convicted shall serve at least 48 consecutive ~~hours'~~ *hours of*  
29 imprisonment or 100 hours of public service either before or as a condition  
30 of any grant of probation or suspension, reduction of sentence or parole.  
31 The court may place the person convicted under a house arrest program  
32 pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto, to serve  
33 the remainder of the sentence only after such person has served 48  
34 consecutive ~~hours'~~ *hours of* imprisonment;

35 (B) on a second conviction a class A, nonperson misdemeanor. The  
36 person convicted shall be sentenced to not less than 90 days nor more than

1 one year's imprisonment and fined not less than \$1,250 nor more than  
2 \$1,750. The person convicted shall serve at least five consecutive ~~days~~  
3 *days of* imprisonment before the person is granted probation, suspension or  
4 reduction of sentence or parole or is otherwise released. The five ~~days~~  
5 *days of* imprisonment mandated by this subsection may be served in a  
6 work release program only after such person has served 48 consecutive  
7 ~~hours~~ *hours of* imprisonment, ~~provided if~~ such work release program  
8 requires such person to return to confinement at the end of each day in the  
9 work release program. The person convicted, if placed into a work release  
10 program, shall serve a minimum of 120 hours of confinement. Such 120  
11 hours of confinement shall be a period of at least 48 consecutive hours of  
12 imprisonment followed by confinement hours at the end of and continuing  
13 to the beginning of the ~~offender's person's~~ work day. The court may place  
14 the person convicted under a house arrest program pursuant to K.S.A.  
15 2021 Supp. 21-6609, and amendments thereto, to serve the five ~~days~~ *days*  
16 *of* imprisonment mandated by this subsection only after such person has  
17 served 48 consecutive ~~hours~~ *hours of* imprisonment. The person  
18 convicted, if placed under house arrest, shall be monitored by an electronic  
19 monitoring device, ~~which that~~ verifies the ~~offender's person's~~ location. The  
20 ~~offender person~~ shall serve a minimum of 120 hours of confinement  
21 within the boundaries of the ~~offender's person's~~ residence. Any exceptions  
22 to remaining within the boundaries of the ~~offender's person's~~ residence  
23 provided for in the house arrest agreement shall not be counted as part of  
24 the 120 hours;

25 (C) on a third conviction a class A, nonperson misdemeanor, except  
26 as provided in subsection (b)(1)(D). The person convicted shall be  
27 sentenced to not less than 90 days nor more than one year's imprisonment  
28 and fined not less than \$1,750 nor more than \$2,500. The person convicted  
29 shall not be eligible for release on probation, suspension or reduction of  
30 sentence or parole until the person has served at least 90 ~~days~~ *days of*  
31 imprisonment. The 90 ~~days~~ *days of* imprisonment mandated by this  
32 subsection may be served in a work release program only after such person  
33 has served 48 consecutive ~~hours~~ *hours of* imprisonment, ~~provided if~~ such  
34 work release program requires such person to return to confinement at the  
35 end of each day in the work release program. The person convicted, if  
36 placed into a work release program, shall serve a minimum of 2,160 hours  
37 of confinement. Such 2,160 hours of confinement shall be a period of at  
38 least 48 consecutive hours of imprisonment followed by confinement  
39 hours at the end of and continuing to the beginning of the ~~offender's~~  
40 *person's* work day. The court may place the person convicted under a  
41 house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and  
42 amendments thereto, to serve the 90 ~~days~~ *days of* imprisonment mandated  
43 by this subsection only after such person has served 48 consecutive ~~hours~~

1 *hours of imprisonment. The person convicted, if placed under house arrest,*  
2 *shall be monitored by an electronic monitoring device, which that verifies*  
3 *the-offender's person's location. The-offender person shall serve a*  
4 *minimum of 2,160 hours of confinement within the boundaries of the*  
5 *offender's person's residence. Any exceptions to remaining within the*  
6 *boundaries of the-offender's person's residence provided for in the house*  
7 *arrest agreement shall not be counted as part of the 2,160 hours;*

8 (D) on a third conviction a nonperson felony if the person has a prior  
9 conviction which occurred within the preceding 10 years, not including  
10 any period of incarceration. The person convicted shall be sentenced to not  
11 less than 90 days nor more than one year's imprisonment and fined not less  
12 than \$1,750 nor more than \$2,500. The person convicted shall not be  
13 eligible for release on probation, suspension or reduction of sentence or  
14 parole until the person has served at least 90-days' *days of imprisonment.*  
15 *The 90-days' days of imprisonment mandated by this subsection may be*  
16 *served in a work release program only after such person has served 48*  
17 *consecutive-hours' hours of imprisonment, provided if such work release*  
18 *program requires such person to return to confinement at the end of each*  
19 *day in the work release program. The person convicted, if placed into a*  
20 *work release program, shall serve a minimum of 2,160 hours of*  
21 *confinement. Such 2,160 hours of confinement shall be a period of at least*  
22 *48 consecutive hours of imprisonment followed by confinement hours at*  
23 *the end of and continuing to the beginning of the-offender's person's work*  
24 *day. The court may place the person convicted under a house arrest*  
25 *program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto,*  
26 *to serve the 90-days' days of imprisonment mandated by this subsection*  
27 *only after such person has served 48 consecutive-hours' hours of*  
28 *imprisonment. The person convicted, if placed under house arrest, shall be*  
29 *monitored by an electronic monitoring device, which that verifies the*  
30 *offender's person's location. The-offender person shall serve a minimum of*  
31 *2,160 hours of confinement within the boundaries of the-offender's-*  
32 *person's residence. Any exceptions to remaining within the boundaries of*  
33 *the-offender's person's residence provided for in the house arrest*  
34 *agreement shall not be counted as part of the 2,160 hours; and*

35 (E) on a fourth or subsequent conviction a nonperson felony. The  
36 person convicted shall be sentenced to not less than 90 days nor more than  
37 one year's imprisonment and fined \$2,500. The person convicted shall not  
38 be eligible for release on probation, suspension or reduction of sentence or  
39 parole until the person has served at least 90-days' *days of imprisonment.*  
40 *The 90-days' days of imprisonment mandated by this subsection may be*  
41 *served in a work release program only after such person has served 72*  
42 *consecutive-hours' hours of imprisonment, provided if such work release*  
43 *program requires such person to return to confinement at the end of each*

1 day in the work release program. The person convicted, if placed into a  
2 work release program, shall serve a minimum of 2,160 hours of  
3 confinement. Such 2,160 hours of confinement shall be a period of at least  
4 72 consecutive hours of imprisonment followed by confinement hours at  
5 the end of and continuing to the beginning of the ~~offender's~~ person's work  
6 day. The court may place the person convicted under a house arrest  
7 program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto,  
8 to serve the ~~90 days'~~ days of imprisonment mandated by this subsection  
9 only after such person has served 72 consecutive ~~hours'~~ hours of  
10 imprisonment. The person convicted, if placed under house arrest, shall be  
11 monitored by an electronic monitoring device, ~~which~~ that verifies the  
12 ~~offender's~~ person's location. The ~~offender~~ person shall serve a minimum of  
13 2,160 hours of confinement within the boundaries of the ~~offender's~~  
14 person's residence. Any exceptions to remaining within the boundaries of  
15 the ~~offender's~~ person's residence provided for in the house arrest  
16 agreement shall not be counted as part of the 2,160 hours.

17 (2) (A) *The court may order that the term of imprisonment imposed*  
18 *pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a staggered*  
19 *manner as provided in this paragraph.*

20 (B) *The 90 days of imprisonment mandated by subsection (b)(1)(D)*  
21 *or (b)(1)(E) may be divided into three 30-day segments.*

22 (i) *The first 30-day segment may be served in a work release program*  
23 *only after such person has served 48 consecutive hours of imprisonment, if*  
24 *such work release program requires such person to return to confinement*  
25 *at the end of each day in the work release program. If placed into a work*  
26 *release program, the person convicted shall serve a minimum of 672 hours*  
27 *of confinement. Such 672 hours of confinement shall be a period of at least*  
28 *48 consecutive hours of imprisonment followed by confinement hours at*  
29 *the end of and continuing to the beginning of the person's work day.*

30 (ii) *The court may place the person convicted under a house arrest*  
31 *program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto,*  
32 *to serve the first 30-day segment only after such person has served 48*  
33 *consecutive hours of imprisonment. If placed under house arrest, the*  
34 *person convicted shall be monitored by an electronic monitoring device*  
35 *that verifies the person's location. The person shall serve a minimum of*  
36 *672 hours of confinement within the boundaries of the person's residence.*  
37 *Any exceptions to remaining within the boundaries of the person's*  
38 *residence provided for in the house arrest agreement shall not be counted*  
39 *as part of the 672 hours.*

40 (C) *The court shall set a review hearing for such person 90 to 120*  
41 *days after the initial sentencing and again at 180 to 240 days after the*  
42 *initial sentencing. The person shall participate in the multidisciplinary*  
43 *model of services for substance use disorders required pursuant to*

1 subsection (b)(4) prior to each such hearing as ordered by the court. At  
2 each such hearing, the court shall consider any alcohol-monitoring results  
3 and the recommendation of the multidisciplinary team, together with any  
4 other factors deemed relevant by the court, in deciding whether to modify  
5 the sentence by ordering a stay of the next following segment of  
6 incarceration that the court had initially ordered to be executed.

7 (D) If the court stays a segment of incarceration that the court had  
8 previously ordered to be executed, that portion of the sentence shall be  
9 added to the total number of days the person is subject to serving in  
10 custody, if the person subsequently violates any of the conditions of that  
11 stay of execution.

12 (E) The provisions of this paragraph shall not affect any other  
13 sanction otherwise authorized by law for any violation of probation,  
14 assignment to a community correctional services program, suspension of  
15 sentence or nonprison sanction.

16 (3) The court may order that the term of imprisonment imposed  
17 pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in  
18 the custody of the secretary of corrections in a facility designated by the  
19 secretary for the provision of substance abuse treatment pursuant to the  
20 provisions of K.S.A. 2021 Supp. 21-6804, and amendments thereto. The  
21 person shall remain imprisoned at the state facility only while participating  
22 in the substance abuse treatment program designated by the secretary and  
23 shall be returned to the custody of the sheriff for execution of the balance  
24 of the term of imprisonment upon completion of or the person's discharge  
25 from the substance abuse treatment program. Custody of the person shall  
26 be returned to the sheriff for execution of the sentence imposed in the  
27 event the secretary of corrections determines: (A) That substance abuse  
28 treatment resources or the capacity of the facility designated by the  
29 secretary for the incarceration and treatment of the person is not available;  
30 (B) the person fails to meaningfully participate in the treatment program of  
31 the designated facility; (C) the person is disruptive to the security or  
32 operation of the designated facility; or (D) the medical or mental health  
33 condition of the person renders the person unsuitable for confinement at  
34 the designated facility. The determination by the secretary that the person  
35 either is not to be admitted into the designated facility or is to be  
36 transferred from the designated facility is not subject to review. The sheriff  
37 shall be responsible for all transportation expenses to and from the state  
38 correctional facility.

39 ~~(3)~~(4) In addition, for any conviction pursuant to subsection (b)(1)  
40 (C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or  
41 journal entry as required by K.S.A. 22-3426 or K.S.A. 2021 Supp. 21-  
42 6711, and amendments thereto, the court shall cause a certified copy to be  
43 sent to the officer having the ~~offender~~ *person* in charge. The court shall

1 determine whether the ~~offender~~ *person*, upon release from imprisonment,  
2 shall be supervised by community correctional services or court services  
3 based upon the risk and needs of the ~~offender~~ *person*. The risk and needs  
4 of the ~~offender~~ *person* shall be determined by use of a risk assessment tool  
5 specified by the Kansas sentencing commission. The law enforcement  
6 agency maintaining custody and control of a defendant for imprisonment  
7 shall cause a certified copy of the judgment form or journal entry to be  
8 sent to the supervision office designated by the court and upon expiration  
9 of the term of imprisonment shall deliver the defendant to a location  
10 designated by the supervision office designated by the court. After the term  
11 of imprisonment imposed by the court, the person shall be placed on  
12 supervision to community correctional services or court services, as  
13 determined by the court, for a mandatory one-year period of supervision,  
14 which such period of supervision shall not be reduced. During such  
15 supervision, the person shall be required to participate in a  
16 multidisciplinary model of services for substance use disorders facilitated  
17 by a Kansas department for aging and disability services designated care  
18 coordination agency to include assessment and, if appropriate, referral to a  
19 community based substance use disorder treatment including recovery  
20 management and mental health counseling as needed. The  
21 multidisciplinary team shall include the designated care coordination  
22 agency, the supervision officer, the Kansas department for aging and  
23 disability services designated treatment provider and the ~~offender~~ *person*.  
24 ~~An offender~~ *A person* for whom a warrant has been issued by the court  
25 alleging a violation of this supervision shall be considered a fugitive from  
26 justice if it is found that the warrant cannot be served. If it is found the  
27 ~~offender~~ *person* has violated the provisions of this supervision, the court  
28 shall determine whether the time from the issuing of the warrant to the  
29 date of the court's determination of an alleged violation, or any part of it,  
30 shall be counted as time served on supervision. Any violation of the  
31 conditions of such supervision may subject such person to revocation of  
32 supervision and imprisonment in jail for the remainder of the period of  
33 imprisonment, the remainder of the supervision period, or any combination  
34 or portion thereof. The term of supervision may be extended at the court's  
35 discretion beyond one year, and any violation of the conditions of such  
36 extended term of supervision may subject such person to the revocation of  
37 supervision and imprisonment in jail of up to the remainder of the original  
38 sentence, not the term of the extended supervision.

39 (4)(5) In addition, prior to sentencing for any conviction pursuant to  
40 subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to  
41 participate in an alcohol and drug evaluation conducted by a provider in  
42 accordance with K.S.A. 8-1008, and amendments thereto. The person shall  
43 be required to follow any recommendation made by the provider after such

1 evaluation, unless otherwise ordered by the court.

2 (c) Any person 18 years of age or older convicted of violating this  
3 section or an ordinance which prohibits the acts that this section prohibits  
4 who had one or more children under the age of 18 years in the vehicle at  
5 the time of the offense shall have such person's punishment enhanced by  
6 one month of imprisonment. This imprisonment must be served  
7 consecutively to any other minimum mandatory penalty imposed for a  
8 violation of this section or an ordinance which prohibits the acts that this  
9 section prohibits. Any enhanced penalty imposed shall not exceed the  
10 maximum sentence allowable by law. During the service of the enhanced  
11 penalty, the judge may order the person on house arrest, work release or  
12 other conditional release.

13 (d) If a person is charged with a violation of subsection (a)(4) or (a)  
14 (5), the fact that the person is or has been entitled to use the drug under the  
15 laws of this state shall not constitute a defense against the charge.

16 (e) The court may establish the terms and time for payment of any  
17 fines, fees, assessments and costs imposed pursuant to this section. Any  
18 assessment and costs shall be required to be paid not later than 90 days  
19 after imposed, and any remainder of the fine shall be paid prior to the final  
20 release of the defendant by the court.

21 (f) In lieu of payment of a fine imposed pursuant to this section, the  
22 court may order that the person perform community service specified by  
23 the court. The person shall receive a credit on the fine imposed in an  
24 amount equal to \$5 for each full hour spent by the person in the specified  
25 community service. The community service ordered by the court shall be  
26 required to be performed not later than one year after the fine is imposed  
27 or by an earlier date specified by the court. If by the required date the  
28 person performs an insufficient amount of community service to reduce to  
29 zero the portion of the fine required to be paid by the person, the  
30 remaining balance of the fine shall become due on that date.

31 (g) Prior to filing a complaint alleging a violation of this section, a  
32 prosecutor shall request and shall receive from the:

33 (1) Division a record of all prior convictions obtained against such  
34 person for any violations of any of the motor vehicle laws of this state; and

35 (2) Kansas bureau of investigation central repository all criminal  
36 history record information concerning such person.

37 (h) The court shall electronically report every conviction of a  
38 violation of this section and every diversion agreement entered into in lieu  
39 of further criminal proceedings on a complaint alleging a violation of this  
40 section to the division including any finding regarding the alcohol  
41 concentration in the ~~offender's~~ *person's* blood or breath. Prior to  
42 sentencing under the provisions of this section, the court shall request and  
43 shall receive from the division a record of all prior convictions obtained

1 against such person for any violations of any of the motor vehicle laws of  
2 this state.

3 (i) For the purpose of determining whether a conviction is a first,  
4 second, third, fourth or subsequent conviction in sentencing under this  
5 section:

6 (1) Convictions for a violation of this section, or a violation of an  
7 ordinance of any city or resolution of any county that prohibits the acts  
8 that this section prohibits, or entering into a diversion agreement in lieu of  
9 further criminal proceedings on a complaint alleging any such violations,  
10 shall be taken into account, but only convictions or diversions occurring  
11 on or after July 1, 2001. Nothing in this provision shall be construed as  
12 preventing any court from considering any convictions or diversions  
13 occurring during the person's lifetime in determining the sentence to be  
14 imposed within the limits provided for a first, second, third, fourth or  
15 subsequent offense;

16 (2) any convictions for a violation of the following sections occurring  
17 during a person's lifetime shall be taken into account: (A) Driving a  
18 commercial motor vehicle under the influence, K.S.A. 8-2,144, and  
19 amendments thereto; (B) operating a vessel under the influence of alcohol  
20 or drugs, K.S.A. 32-1131, and amendments thereto; (C) involuntary  
21 manslaughter while driving under the influence of alcohol or drugs, K.S.A.  
22 21-3442, prior to its repeal, or K.S.A. 2021 Supp. 21-5405(a)(3) or (a)(5),  
23 and amendments thereto; (D) aggravated battery as described in K.S.A.  
24 2021 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto; and (E)  
25 aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or  
26 vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was  
27 committed while committing a violation of K.S.A. 8-1567, and  
28 amendments thereto;

29 (3) "conviction" includes: (A) Entering into a diversion agreement in  
30 lieu of further criminal proceedings on a complaint alleging an offense  
31 described in subsection (i)(2); and (B) conviction of a violation of an  
32 ordinance of a city in this state, a resolution of a county in this state or any  
33 law of another jurisdiction that would constitute an offense that is  
34 comparable to the offense described in subsection (i)(1) or (i)(2);

35 (4) multiple convictions of any crime described in subsection (i)(1) or  
36 (i)(2) arising from the same arrest shall only be counted as one conviction;

37 (5) it is irrelevant whether an offense occurred before or after  
38 conviction for a previous offense; and

39 (6) a person may enter into a diversion agreement in lieu of further  
40 criminal proceedings for a violation of this section, and amendments  
41 thereto, or an ordinance which prohibits the acts of this section, and  
42 amendments thereto, only once during the person's lifetime.

43 (j) For the purposes of determining whether an offense is comparable,

1 the following shall be considered:

2 (1) The name of the out-of-jurisdiction offense;

3 (2) the elements of the out-of-jurisdiction offense; and

4 (3) whether the out-of-jurisdiction offense prohibits similar conduct  
5 to the conduct prohibited by the closest approximate Kansas offense.

6 (k) Upon conviction of a person of a violation of this section or a  
7 violation of a city ordinance or county resolution prohibiting the acts  
8 prohibited by this section, the division, upon receiving a report of  
9 conviction, shall suspend, restrict or suspend and restrict the person's  
10 driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

11 (l) (1) Nothing contained in this section shall be construed as  
12 preventing any city from enacting ordinances, or any county from adopting  
13 resolutions, declaring acts prohibited or made unlawful by this act as  
14 unlawful or prohibited in such city or county and prescribing penalties for  
15 violation thereof.

16 (2) The minimum penalty prescribed by any such ordinance or  
17 resolution shall not be less than the minimum penalty prescribed by this  
18 section for the same violation, and the maximum penalty in any such  
19 ordinance or resolution shall not exceed the maximum penalty prescribed  
20 for the same violation.

21 (3) On and after July 1, 2007, and retroactive for ordinance violations  
22 committed on or after July 1, 2006, an ordinance may grant to a municipal  
23 court jurisdiction over a violation of such ordinance which is concurrent  
24 with the jurisdiction of the district court over a violation of this section,  
25 notwithstanding that the elements of such ordinance violation are the same  
26 as the elements of a violation of this section that would constitute, and be  
27 punished as, a felony.

28 (4) Any such ordinance or resolution shall authorize the court to order  
29 that the convicted person pay restitution to any victim who suffered loss  
30 due to the violation for which the person was convicted.

31 (m) (1) Upon the filing of a complaint, citation or notice to appear  
32 alleging a person has violated a city ordinance prohibiting the acts  
33 prohibited by this section, and prior to conviction thereof, a city attorney  
34 shall request and shall receive from the:

35 (A) Division a record of all prior convictions obtained against such  
36 person for any violations of any of the motor vehicle laws of this state; and

37 (B) Kansas bureau of investigation central repository all criminal  
38 history record information concerning such person.

39 (2) If the elements of such ordinance violation are the same as the  
40 elements of a violation of this section that would constitute, and be  
41 punished as, a felony, the city attorney shall refer the violation to the  
42 appropriate county or district attorney for prosecution.

43 (n) No plea bargaining agreement shall be entered into nor shall any

1 judge approve a plea bargaining agreement entered into for the purpose of  
2 permitting a person charged with a violation of this section, or a violation  
3 of any ordinance of a city or resolution of any county in this state which  
4 prohibits the acts prohibited by this section, to avoid the mandatory  
5 penalties established by this section or by the ordinance. For the purpose  
6 of this subsection, entering into a diversion agreement pursuant to K.S.A.  
7 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not  
8 constitute plea bargaining.

9 (o) The alternatives set out in subsection (a) may be pleaded in the  
10 alternative, and the state, city or county may, but shall not be required to,  
11 elect one or more of such alternatives prior to submission of the case to the  
12 fact finder.

13 (p) As used in this section:

14 (1) "Alcohol concentration" means the number of grams of alcohol  
15 per 100 milliliters of blood or per 210 liters of breath;

16 (2) "imprisonment" shall include any restrained environment in which  
17 the court and law enforcement agency intend to retain custody and control  
18 of a defendant and such environment has been approved by the board of  
19 county commissioners or the governing body of a city; and

20 (3) "drug" includes toxic vapors as such term is defined in K.S.A.  
21 2021 Supp. 21-5712, and amendments thereto.

22 (q) (1) The amount of the increase in fines as specified in this section  
23 shall be remitted by the clerk of the district court to the state treasurer in  
24 accordance with the provisions of K.S.A. 75-4215, and amendments  
25 thereto. Upon receipt of remittance of the increase provided in this act, the  
26 state treasurer shall deposit the entire amount in the state treasury and the  
27 state treasurer shall credit 50% to the community alcoholism and  
28 intoxication programs fund and 50% to the department of corrections  
29 alcohol and drug abuse treatment fund, which is hereby created in the state  
30 treasury.

31 (2) On and after July 1, 2011, the amount of \$250 from each fine  
32 imposed pursuant to this section shall be remitted by the clerk of the  
33 district court to the state treasurer in accordance with the provisions of  
34 K.S.A. 75-4215, and amendments thereto. Upon receipt of each such  
35 remittance, the state treasurer shall credit the entire amount to the  
36 community corrections supervision fund established by K.S.A. 75-52,113,  
37 and amendments thereto.

38 Sec. 2. K.S.A. 2021 Supp. 8-1567 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and after its  
40 publication in the statute book.