



## Kansas County & District Attorneys Association

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March 5, 2024

Corrections and Juvenile Justice Committee  
Attention: Chairman Stephen Owens  
State Capitol, Room 274-W  
300 W. 10<sup>th</sup> St.  
Topeka, Kansas 66612

Re: Senate Bill 414

Dear Chairman Owens,

Thank you for the opportunity to submit our written response in support of SB414.

The explosion of fentanyl across this country has also had a significant impact in Kansas communities. This drug is unique because of the level of lethality it has to the users of this drug. Over the last 4 years the number of fentanyl deaths in Johnson County have more than quadrupled. The number of emergency room visits has doubled. The statewide numbers reflect a similar increase. In 2022 over 400 Kansans died from this deadly drug. This is despite the positive efforts by this governing body to reduce fatalities through public access to testing strips and naloxone.

We all recognize a need for a multifaceted approach to minimize the impact of this dangerous drug on the citizens of Kansas. This includes giving law enforcement and prosecutors the ability to target dealers of this horrible drug. The current Kansas criminal penalties for dealers are not consistent with this higher level of lethality and methods used to sell this drug. A small dosage amount, the equivalent to a couple of grains of salt, is all that is needed for users of the drug. We are suggesting that the weight and dosage unit thresholds be modified that are reflective to the harm it has on individuals and our communities and consistent with other dangerous drugs such as methamphetamine and heroin.

This bill would reflect the following modifications to existing laws.

1. **Weights:** Lowering the thresholds needed for enhancements penalties within K.S.A. 21-5705 for sales of fentanyl and using the same the weights for Heroin and Methamphetamine. Those changes are reflected below.

Level four offense: from less than 3.5 grams amended to less than 1 gram;

Level three offense: from 3.5 to 100 grams amended to at least 1 gram but less than 3.5 grams;

Level two offense: from 100 grams to a 1 kilo amended to at least 3.5 grams but less than 100 grams;

Level one offense: from more than a kilo amended to 100 grams or more.

2. **Dosage units.** This bill would reduce the number of dosage units needed for enhancement penalties as noted below.

Level four offense: remains fewer than 10 units;

Level three offense: from 10 up to 100 units amended to at least 10 but fewer than 50 units.

Level two offense: from 100 to 1,000 units amended to at least 50 but fewer than 250 units.

Level one offense: from more than 1,000 amended to 250 or more.

The dosage units are the preferred method used by fentanyl drug dealers. The lower thresholds for fentanyl are again appropriate considering the lethality of the drug and the small dosage amounts needed.

The second portion of the amendments establishes a rebuttable presumption of intent to distribute the drug if you possess 50 or more dosage units. It also establishes an enhancement provision for fentanyl dealers who commit level 1, 2 and 3 drug offenses, by doubling their presumptive sentences. This Bill would give law enforcement and prosecutors greater penalties for dealers that are selling this drug. This is warranted since every time a person uses fentanyl, they are literally playing Russian roulette.

Fentanyl's impact on our community continues to grow at an alarming rate. Modifying the weight and dosage amounts and the presumptive sentences will allow prosecutors to hold these dealers of death accountable for their actions and commensurate to the damage they do to lives of our citizens. We ask that you pass this bill to help us keep Kansans safe.

Sincerely,



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