

SESSION OF 2018

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2566**

As Recommended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2566 would amend the penalties for the crime of possession of tetrahydrocannabinol (THC).

Specifically, the bill would amend penalties for possession of THC so that a first offense would be a class B nonperson misdemeanor, a second offense would be a class A nonperson misdemeanor, and a third or subsequent offense would be a drug severity level 5 felony.

Under current law, a first offense is a class A nonperson misdemeanor and any subsequent offense is a drug severity level 5 felony.

**Background**

The bill was introduced by the House Committee on Corrections and Juvenile Justice at the request of the Kansas Sentencing Commission (Commission). In the House Committee hearing, a representative of the Commission testified in support of the bill. The proponent indicated the bill would align penalties for possession of THC with penalties for possession of marijuana.

A representative of the ACLU of Kansas and a private citizen provided opponent testimony. Written-only opponent testimony was provided by private citizens. The opponents

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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>

expressed support for legalization of marijuana and related substances for medical purposes.

No other testimony was presented.

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration (OJA) estimates the bill would increase its expenditures in FY 2019 because the number of offenders required to be supervised by court services officers would increase.

OJA indicates the bill could also increase revenues from fines. However, a precise estimate of additional expenditures and revenues that could be incurred by the Judicial Branch could not be determined.

The Commission indicates the bill would have no fiscal effect on prison admissions, bed space, or the workload of the Commission.

The League of Kansas Municipalities indicates the bill could increase costs for municipalities for recordkeeping and legal fees resulting from additional arrests and court cases related to the possession of THC, but the number of additional cases would vary by city.