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**Testimony in Support of SB240 to the Senate Judiciary Committee
February 17, 2023**

Chairman Warren, Vice Chair Wilborn, Ranking Minority Corson, and members of the committee:

We requested this bill to provide a means to counter an issue we are seeing with disturbing frequency.

Fentanyl is the drug we are encountering more and more frequently. Our Joint Drug Task Force Unit has reported an increase in the presence of children when they are conducting operations, such as controlled buys. Recently, one report stated there was a child, four years of age, present when a buy operation was conducted.

Current law specifically states that “causing or permitting such child to be in an environment where the person knows or reasonably should know that any person is distributing, possessing with intent to distribute, manufacturing or attempting to manufacture any methamphetamine...” and “causing or permitting such child to be in an environment where the person knows or reasonably should know that drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine...” are elements of aggravated endangering a child.

Due to the increase in fentanyl related drug crimes, we are requesting that K.S.A. 21-5601 be amended to specifically include fentanyl as an element of this crime. See lines 22 and 28-29. Under current law our prosecutors are not comfortable making an aggravated endangering a child charge when fentanyl is present. This amendment would assist us in getting prosecutions for this crime.

We would ask the committee to report the bill out as favorable for passage.

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