

## Testimony in Support of SB419 to Senate Judiciary Committee

February 2, 2024

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

My name is Chris Farkes. I am a Detective with Johnson County Sheriff's Office and am currently assigned to the Northeast Kansas Drug Task Force. I have been in law enforcement for more than twenty-eight years and have been assigned, almost exclusively, to investigate narcotics cases for the past eighteen years. My current assignment includes my work as an undercover detective and, as such, am submitting my testimony in a written format.

The Northeast Kansas Drug Task Force is a multi-jurisdictional task force that investigates drug activity in the Johnson, Franklin, and Miami County areas. In the past several years the task force has seen a significant rise in the distribution, use, and abuse of fentanyl in our area.

As part of my work as an undercover detective I purchase controlled substances from drug dealers throughout our area of responsibility. I have found that, during these purchases of controlled substances, subjects selling me the controlled substances will often warn me if they know or suspect a product to contain fentanyl. Many times, during such operations, these drug dealers, selling me the purported fentanyl products, will ask me to make sure I have Narcan available to me as they know the dangers of these products. Through our investigations, I know, as well as other members of my team know, that these very same drug dealers, selling me fentanyl, have small children living with them or even bring those children with them to these drug transactions.

Unfortunately, during our investigations, we have seen this become more common. These drug dealers appear to hold little or no regard for the presence of children around these substances all while warning their customers of the dangers of their product.

I believe that adding language to K.S.A 21-5601 that includes fentanyl would assist prosecutors in holding people accountable for allowing children to be present in such dangerous situations.

In addition to numerous on-going and active investigations involving the sales and distribution of fentanyl and/or fentanyl-laced controlled substances, I have below a few examples of cases our task force has investigated:

In 2020, Merriam Police Department and the Northeast Kansas Drug Task Force investigated the death of a 2-year-old child that had inadvertently ingested a counterfeit tablet that contained fentanyl. That child's parents and their drug dealer were charged with various crimes associated to the child's death.

In March 2022, Shawnee Police Department and the Northeast Kansas Drug Task Force investigated the overdose of a 10-month-old child. The child was transported to the hospital where the child tested positive for fentanyl. During interviews with the parents, it was determined that the parents were heroin addicts, and their heroin was laced with fentanyl. The child most likely ingested the heroin while the parents were consuming the heroin and fentanyl in the child's presence. The parents were initially charged with Aggravated Endangering a Child, but the prosecutor's office eventually had to amend the charge to Misdemeanor Endangering a Child due to the language of the current law.

In November 2022, the Northeast Kansas Drug Task Force conducted a controlled buy of fentanyl from a subject in Olathe, Kansas. During the controlled buy, the drug dealer had their two-year-old child present during the drug transaction. The drug transaction took place at the kitchen table that appeared to be used by the family. Detectives executed a search warrant at the residence shortly after the controlled buy and located the child sitting next to drug paraphernalia that contained fentanyl. The father of the child was passed out at the kitchen table after consuming fentanyl. The parents were charged with Aggravated Endangering a Child only because methamphetamine was also present in the house. It is our opinion that child was in more danger from the fentanyl and fentanyl paraphernalia that was easily within view and reach of the child than the methamphetamine that was, while within reach, was out of view from the child.

In February 2023, the Northeast Kansas Drug Task Force conducted a series of controlled buys of counterfeit tablets that contained fentanyl from a subject in Shawnee, Kansas. A search warrant was executed at the residence. During the search warrant it was discovered that a 1-year-old child was living in the residence. The parent and child shared a room which was the same room that the fentanyl and a gun were being stored in. This child very easily could have inadvertently consumed a counterfeit tablet that contained fentanyl or come in contact with something that contained fentanyl residue which could have caused the child to overdose or die.

I would ask the committee to include fentanyl as an element of K.S.A 21-5601 to assist law enforcement and prosecutors in holding people accountable for knowingly placing children in such dangerous situations.