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MEMORANDUM

To: Senate Committee on Judiciary
From: Office of Revisor of Statutes
Date: February 6, 2024
Subject: Bill Brief for SB 419

Senate Bill 419 amends the crime of aggravated endangering a child to increase the criminal penalties when bodily harm to the child results and when a child is in certain environments associated with fentanyl-related controlled substances.

The bill amends K.S.A. 21-5601, the criminal code statute that creates the crimes of endangering a child and aggravated endangering a child. Current law provides that aggravated endangering a child is: (1) Recklessly causing or permitting a child under the age of 18 years to be placed in a situation in which the child's life, body or health is endangered; (2) 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; or (3) causing or permitting such child to be in an environment where the person knows or reasonably should know that drug paraphernalia or certain chemicals are stored or used for the purpose of manufacturing or attempting to manufacture any methamphetamine. The bill adds that aggravated endangering a child is: (1) 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 fentanyl-related controlled substance; or (2) causing or permitting such child to be in an environment where the person knows or reasonably should know that drug paraphernalia or toxic materials, compounds or mixtures are stored or used for the purpose of manufacturing or attempting to manufacture any fentanyl-related controlled substance.

Current law provides that endangering a child is a class A person misdemeanor and aggravated endangering a child is a severity level 9, person felony. The conduct added to the crime of aggravated endangering a child in the bill would be a severity level 9, person felony. The bill

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also increases the penalty for aggravated endangering a child to a severity level 6, person felony when bodily harm is inflicted upon the child.

The bill would take effect from and after publication in the statute book, July 1, 2024.