



STATE OF KANSAS
Tenth Judicial District

OFFICE OF DISTRICT ATTORNEY

STEPHEN M. HOWE, DISTRICT ATTORNEY

February 15, 2023

Senate Judiciary Committee
Attention: Chairwoman Warren
State Capitol, Room 346-W
Topeka, Kansas 66612

Re: Senate Bill 238

Dear Chairwoman Warren and members of the Senate Judiciary Committee,

Thank you for the opportunity to testify in support of SB 238, which provides law enforcement and prosecutors additional opportunities to protect our citizens from dealers of deadly fentanyl.

We have all seen for years the growing impact fentanyl and its various derivatives has had on our Country and our State. This drug is becoming a real scourge on our communities. For years I have coined that these dealers are "dealing death". Those who ingest fentanyl are literally playing Russian Roulette. In Johnson County the number of overdose deaths associated with fentanyl has tripled in the last three years. Last year in Johnson County 81 individuals died from some form of fentanyl.

As you all know the use of Naloxone also known as (Narcan) has saved tens of thousands of lives in this country. This amazing substance has the ability to bring a person back to life, by counteracting the effects of fentanyl on the human body. In Johnson County, our Medical Director has been able to track the number of Narcan deployments by Med Act – which is our ambulance and paramedics agency, fire departments and schools. In 2022 alone, there were nearly 500 uses of Narcan by these agencies. 500 people who would be dead, but for the injection of Narcan. These numbers don't include hospital E.R.'s and the use of Narcan by the drug users themselves. The scourge fentanyl is here and already having a serious and deadly impact on our communities. Truly, drug dealers are dealing death in our communities.

The Medical Examiner is also seeing new derivatives of fentanyl. It has also begun to be laced into other drugs like marijuana and methamphetamine. Our crime lab is seeing large variances in the strength and potency of this drug. My office is and has aggressively prosecuted individuals for selling this drug and causing death to another individual under K.S.A. 21- 5430.

However, tracing the actual fentanyl sold to a specific person can be challenging and sometimes impossible to prove.

This bill allows prosecutors to impose a sentence commiserate with the severity of the crime on our community. Most illegal drugs seen by law enforcement have little chance of killing its users. That can't be said for fentanyl. The passage of this bill will make a difference for those on the front lines fighting to protect Kansans. I urge you do the right thing for all Kansans and pass this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Stephen M. Howe". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen M. Howe
Johnson County District Attorney