



## Kansas County & District Attorneys Association

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February 5, 2024

Senate Judiciary Committee  
Attention: Chairperson Kelly Warren  
State Capitol, Room 419-E  
300 SW 10<sup>th</sup> St.  
Topeka, Kansas 66612

Re: Senate Bill 413

Dear Chairperson Warren,

Thank you for the opportunity to submit our written response in support of SB413.

The explosion of fentanyl across this country has also had a significant impact in Kansas communities. This drug is unique because of the level of lethality it has to the users of this drug. Over the last 4 years the numbers of fentanyl deaths in Johnson County have more than quadrupled. The numbers of emergency room visits have doubled. The statewide numbers reflect a similar increase. In 2022 over 400 Kansans died from this deadly drug. This is despite the positive efforts by this governing body to reduce fatalities through public access to testing strips and naloxone.

We all recognize a need for a multifaceted approach to minimize the impact of this dangerous drug on the citizens of Kansas. This includes giving law enforcement and prosecutors the ability to target dealers of this horrible drug. The current Kansas criminal penalties for dealers are not consistent with this higher level of lethality and methods used to sell this drug. A small dosage amount, the equivalent to a couple of grains of salt, is all that is needed for a lethal dose of this drug. We are suggesting that the weight and dosage unit thresholds be modified to better reflect the harm it has on individuals and our communities and be consistent with other dangerous drugs.

This bill would modify our criminal penalties for dealers of this drug and put it on par with other deadly drugs such as heroin and methamphetamine. This bill would reflect the following modifications to existing laws.

1. Weights: Lowering the thresholds needed for enhancements penalties within K.S.A. 21-5705 for sales of fentanyl, by using the same the weights for Heroin and Methamphetamine. Proposed changes are reflected below.

Level four offense: from less than 3.5 grams amended to less than a gram;

Level three offense: from 3.5 - 100 grams amended to 1 - 3.5 grams;

Level two offense: from 100 grams - 1 kilo amended to 3.5 grams - 100 grams;

Level one offense: from more than 1 kilo amended to greater than 100 grams.

2. Dosage units. This bill would reduce the number of dosage units needed for enhancement penalties as proposed below.

Level four offense: remains at less than 10 units;

Level three offense: between 10 and 100 units amended to more than 10 up to 50 units.

Level two offense: between 100 and 1,000 units amended to more than 50 up to 250 units.

Level one offense: from more than 1,000 units amended to more than 250 units.

Dosage units (or pills) are the preferred method used by fentanyl drug dealers. Lowering thresholds for fentanyl dosage units is again appropriate considering the lethality of the drug and the small dosage amounts needed to have a serious impact on individuals and our community. This provides law enforcement and prosecutors with greater penalties for dealers that are selling this drug. This is warranted. Every time a person uses fentanyl, they are literally playing Russian Roulette.

Fentanyl's impact on our community continues to grow at an alarming rate. Modifying the weight and dosage amounts will allow prosecutors to hold dealers of fentanyl accountable for their actions and commensurate to the damage they do to lives of our citizens. We ask that you pass this bill to help us keep Kansans safe.

Sincerely,



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