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MEMORANDUM

To: House Committee on Corrections and Juvenile Justice

From: Office of Revisor of Statutes

Date: March 3, 2022

Subject: Bill Brief on HB 2705

HB 2705 removes the rebuttable presumption of an intent to distribute controlled substances and replaces it with a permissive inference.

The bill amends K.S.A. 21-5705. Current law provides that in a prosecution for distribution of a controlled substance or possession with the intent to distribute a controlled substance, there is a rebuttable presumption of an intent to distribute if any person possesses a certain quantity of that controlled substance. Those quantities are 450 grams or more for marijuana, 3.5 grams or more for heroin or methamphetamine, 100 dosage units or more containing a controlled substance or 100 grams or more of any other controlled substance.

This bill would replace the words “rebuttable presumption” with “permissive inference” and require that there be facts to support such an inference.