

SESSION OF 2013

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2044**

As Amended by House Committee on  
Corrections and Juvenile Justice

**Brief\***

HB 2044, as amended, would create two new crimes. The first crime, distribution of a controlled substance causing great bodily harm, would be a severity level 5, person felony, and would be defined as unlawfully distributing a controlled substance when great bodily harm results from the use of such controlled substance. The second crime, distribution of a controlled substance causing death, would be a severity level 1, person felony, and would be defined as unlawfully distributing a controlled substance when death results from the use of such controlled substance. The bill states it would not be a defense that the user contributed to the user's own great bodily harm or death by using the controlled substance or consenting to its administration by another. The bill also would define key terms.

**Background**

In the House Committee on Corrections and Juvenile Justice, representatives of the Office of the Attorney General, Kansas Bureau of Investigation, Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association and concerned citizens offered testimony in support of the bill. No others offered testimony.

The House Committee amended the bill to remove language requiring that the controlled substance cause or contribute to an effect on the body that results in great bodily

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

injury or death, and replaced it with language requiring only that great bodily injury or death result from use of the controlled substance.

The Division of the Budget's fiscal note for the bill, as introduced, indicates passage may result in increased cases and appeals, but the fiscal effect likely would be accommodated within existing resources. The Kansas Sentencing Commission predicts the bill would have an impact on prison bed needs but, because of insufficient data, the precise impact cannot be determined.