

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at
Chairperson

Noon a.m./p.m. on April 27, 1988 in room 526S of the Capitol.

All members were present except:

Representatives Roe & Rolfs

Committee staff present:

Mary Torrence, Revisor's Office
Mary Galligan, Research Department
Lynda Hutfles, Secretary

Conferees appearing before the committee:

Bob Stephan, Attorney General
Galen Davis, Governor's Office
John Lamb
Representative Bob Meade

The meeting was called to order by Chairman Miller.

Representative Gjerstad made a motion, seconded by Representative Jenkins, to approve the minutes of the April 6 & 7 meetings. The motion carried.

SB457 - Community Corrections

Representative Jenkins made a motion, seconded by Representative Ramirez, to report SB457 favorably. The motion carried.

SB728 - Controlled substances, presumptive and mandatory sentencing

Attorney General Bob Stephan gave testimony in support of the bill which sets a standard, puts an onus on the judge and sends a message to those who sell drugs that we intend to enforce the law.

Galen Davis, Governor's Office, expressed support of the bill. He explained the three critical elements of the bill - 1) presumptive minimum sentencing for distributing drugs to a minor; ;2) a presumptive minimum sentencing for major drug traffickers as defined in the bill, and; 3) making it a C felony crime to illegally manufacture certain drugs. The bill provides a structure and uniformity in discerning who the major drug traffickers are; gives guidance to district court judges; provides consistency on drug trafficking convictions among the district courts in Kansas; and sends a clear message to drug traffickers that Kansas will not tolerate the sale or distribution of drugs to our young people. See attachment A.

John Lamb expressed support of the bill and asked the committee to keep in mind that over 50-70% of the burglaries and property crimes are committed by those who are addicted to drugs and therefore have fairly large amounts of drugs on them. There is a need for tougher penalties for drug possession and sales.

Hearings were concluded on SB728.

Representative Barr made a motion, seconded by Representative Peterson, to amend the title of SB728 by deleting "and mandatory" and to report the bill favorably as amended. The motion carried.

SB751 - Pawnee Rock Historical State Park

Representative Bob Meade explained the bill which authorizes the Secretary of the State Historical Society to negotiate on behalf of the state with representatives

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,

room 526S, Statehouse, at Noon a.m./p.m. on April 27, 19 .

of the National Park Service for the purpose of ceding the Pawnee Rock state historic site to the United States as a satellite of Fort Larned National Historic Site.

Representative Walker made a motion, seconded by Representative Sifers, to report SB751 favorably. The motion carried.

Representative Peterson made a motion, seconded by Representative Aylward, to introduce legislation to clean up five bills signed by the governor dealing with motor vehicles, banking, parimutuel, civil procedure, and the census and that these bills be sent directly to the floor. The motion carried.

The meeting was adjourned.

STATE OF KANSAS



OFFICE OF THE GOVERNOR

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Mike Hayden Governor

Testimony Concerning SB 728
Presented To
The House Federal and State Affairs Committee
By
Galen Davis
Governor's Special Assistant on Drug Abuse

Mr. Chairman, members of the committee, I appreciate the opportunity to appear before you today to speak in favor of SB 728.

This bill is targeted at major traffickers of illicit drugs. Drug traffickers are unconscionable, calculating, dangerous people. They have a nature that is cold - blooded and indifferent. They are a leech on our society, draining the lifeblood of our economy, our productivity, and our youth.

In the March 28, Newsweek cover story entitled, The Drug Gangs - Waging War in America's Cities, they state, "Loosely organized gangs are spreading drugs and violence from large urban areas to smaller cities and even to remote areas of the country." A federal enforcement official, in talking about drug traffickers, says they are reckless and sociopathic. "The result is a casual acceptance of - and sometimes enthusiasm for - torture and murder, "drive by" shootings and public mayham. If they don't kill you, they'll kill your mother," the federal official concluded. Drug traffickers in general and major drug traffickers specifically are a serious threat to this society.

Attach A

Bill Development

The bill before you has a general structure similar to a federal drug trafficking sentencing law. Keeping that in mind, I can say to you that SB 728 is very much a Kansas bill. The ideas and language in this bill have come from the Governor and his staff, legislators, the Attorney General and his staff, the KBI, and the Attorney General's Task Force.

Bill Elements

The critical elements of this bill include:

- 1) Presumptive minimum sentencing for distributing drugs to a minor
- 2) A presumptive minimum sentencing for major drug traffickers as defined in this bill
- 3) Making it a C felony crime to illegally manufacture certain drugs

We also think it is important for you to know what the current situation is relative to drug law offenders in our prison system. A table is attached to provide you with that information. Please note that although many people consider drug trafficking to be the single greatest threat to this country and state, only 6.7% of our prison population is incarcerated on drug charges.

Conclusion

The Governor supports a comprehensive approach to the problems of illicit drug use in Kansas. We continue to develop and support drug education, prevention, intervention, treatment, and enforcement initiatives. Sophisticated legislation is also needed to reduce the supply of illegal drugs. The drug trafficking bill before you would help:

- 1) By providing structure and uniformity in discerning who are the major drug traffickers
- 2) By giving guidance to our district court judges on who should be imprisoned for drug trafficking
- 3) By providing consistency on drug trafficking convictions among our district courts throughout Kansas
- 4) By sending a clear message to drug traffickers that we will not tolerate the sale or distribution of drugs to our young people.

As the Governor has said, we can not and we will not quietly resign ourselves to this threat of drug trafficking simply because it is so complex and the occurrences have become so commonplace.

Governor Hayden supports SB 728 because it sends a clear message of swift and sure sanctions to major drug traffickers.

Thank you for your attention to this much needed bill and for the opportunity to appear before you today.

COMPARISON OF INMATE POPULATION
 DRUG RELATED VS TOTAL POPULATION

June 30, 1987

	<u>Total</u>	<u>Drug Related</u>	<u>% of Total</u>
A Felony	388	1	.2%
B Felony	1363	2	.1%
C Felony	1358	287	21.1%
D Felony	1628	67	4.1%
E Felony	767	19	2.4%
Unknown Class	<u>82</u>	<u>---</u>	<u>---</u>
Total	5586	376	6.7%

Source: Kansas Department of Corrections Annual Report
 June 30, 1987