



Kansas Bureau of Investigation

Kirk Thompson
Director

Derek Schmidt
Attorney General

Senate Judiciary Committee

Testimony of Kyle Smith, Assistant Attorney General
Deputy Director, Kansas Bureau of Investigation
In Support of Substitute Sub HB 2318
February 1, 2012

Chairman Owens and Members of the Committee,

I appear today on behalf of Attorney General Derek Schmidt in support of the recodification bill, currently known as substitute for HB 2318. The only concerns the Attorney General has with the bill are those previously mentioned, all found in section 5.

1. The House version apparently deletes what is commonly called the Matt Samuels Act – legislation that limits the number of packages of pseudoephedrine that a person can purchase per month. See p. 11 lines 26-31. This legislation is crucial in our fight against methamphetamine production and the Matt Samuels Act must be restored.
2. The language as it now exists, deletes the reference to personal use paraphernalia (i.e. inject, ingest, inhale or otherwise introduce a controlled substance into the human body). Page 11, lines 21-22. This would appear to be an oversight but the language should be reinserted into the new language page 12, line 23, **or**
3. There are several other concerns with the approach in section 5 of the bill which deleted these sections and replaced them with an approach that makes all such offenses an attempt to possess, traffic or manufacture the underlying drug. That has serious consequences in that an attempt for those offenses is a much higher penalty than the current paraphernalia or precursor crimes. We would respectfully ask the committee to reconsider section 5 and stay with the current statutory language in K.S.A. 21-5709, but utilize the new 5-level drug grid proposed by Tom Stanton and the KCDA. By restoring section 5 to the current language in K.S.A. 21-5709, issues 1 and 2 will also be resolved.

I would be happy to answer questions and work with the revisor's office and other conferees on this amendment.