

SESSION OF 2022

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2705

As Recommended by House Committee on
Corrections and Juvenile Justice

Brief*

HB 2705 would amend the crime of unlawful distribution of controlled substances to change a rebuttable presumption of intent to distribute when a person possesses specified minimum quantities to a permissive inference. The bill would also add language requiring the existence of facts to support such inference for it to be effective.

The bill would make technical amendments to ensure consistency in statutory phrasing and references.

Background

The bill was introduced by the House Committee on Federal and State Affairs at the request of Representative Waggoner.

House Committee on Corrections and Juvenile Justice

In the House Committee hearing on March 3, 2022, the Reno County District Attorney testified as a **proponent** of the bill, stating the bill was intended to address an issue being raised by defense counsel in pending criminal cases and appeals. Following the hearing, a representative of the Office of the Attorney General submitted written-only proponent testimony. No other testimony was provided.

*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>

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, the Office of Judicial Administration indicates enactment of the bill could increase expenditures because it affects what must be proven in certain criminal cases, but any fiscal effect would be negligible.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2023 Governor's Budget Report*.

Crimes; controlled substances; rebuttable presumption of intent to distribute; permissive inference