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Testimony in Support of SB240 to Senate Judiciary Committee

February 17, 2023

Chairman Warren, Vice Chair Wilborn, Ranking Minority Corson, and members of the committee:

The Northeast Kansas Drug Task Force is a multi-jurisdictional task force that investigates drug activity in the Johnson, Franklin, and Miami County areas. In the past several years the task force has seen a significant rise in the distribution, use, and abuse of fentanyl in our area. Through our contacts with other agencies in Kansas we know that this trend is occurring throughout the State of Kansas.

During our investigations it has become more common place that children are present where Fentanyl is being distributed, stored, or consumed. We believe that adding language to K.S.A 21-5601 that includes fentanyl would assist prosecutors in holding people accountable for allowing children to be present in such dangerous situations. Below are a few examples of cases we have investigated.

In 2020, Merriam Police Department and the Northeast Kansas Drug Task Force investigated the death of a 2-year-old child that had inadvertently ingested a counterfeit tablet that contained fentanyl. That child's parents and their drug dealer were charged with various crimes associated to the child's death.

In March 2022, Shawnee Police Department and the Northeast Kansas Drug Task Force investigated the overdose of a 10-month-old child. The child was transported to the hospital where the child tested positive for fentanyl. During interviews of the parents, it was determined that the parents were heroin addicts, and their heroin was laced with fentanyl. The child most likely ingested the heroin-fentanyl combination while the parents were consuming the drugs in the child's presence. The parents were initially charged with Aggravated Endangering a Child, but the prosecutor's office eventually had to amend the charge to Misdemeanor Endangering a Child due to the language of the current law.

In November 2022, the Northeast Kansas Drug Task Force conducted a controlled buy of fentanyl from a subject in Olathe, Kansas. During the controlled buy, the drug dealer had their two-year-old child present during the drug transaction. The drug transaction took place at the kitchen table that appeared to be used by the family. Detectives executed a search warrant at the residence shortly after the controlled buy and located the child sitting next to drug paraphernalia that contained fentanyl. The father of the child was passed out at the kitchen table after consuming fentanyl. The parents were charged with Aggravated Endangering a Child only because methamphetamine was also present in the house. It is our opinion that the child was in more danger from the fentanyl and fentanyl paraphernalia that was easily accessible to the child than the methamphetamine that was out of reach from the child.

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In February 2023, the Northeast Kansas Drug Task Force conducted a series of controlled buys of counterfeit tablets that contained fentanyl from a subject in Shawnee, Kansas. A search warrant was executed at the residence. During the search warrant it was discovered that a 1-year-old child was living in the residence. The parent and child shared a room which was the same room that the fentanyl and a gun were being stored in. This child very easily could have inadvertently consumed a counterfeit tablet that contained fentanyl or come in contact with something that contained fentanyl residue which could have caused the child to overdose or die.

We ask the committee to include fentanyl as an element of K.S.A 21-5601 to assist law enforcement and prosecutors in holding people accountable for knowingly placing children in such dangerous situations.

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