

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2044

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to distribution of  
2 controlled substances causing death or great bodily harm.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Distribution of a controlled substance causing great  
6 bodily harm is distributing a controlled substance in violation of K.S.A.  
7 2012 Supp. 21-5705, and amendments thereto, when ~~the~~**great bodily**  
8 **harm results from the use of such** controlled substance ~~distributed causes~~  
9 ~~or contributes to an effect on the body resulting in great bodily harm to a~~  
10 ~~user of such controlled substance.~~

11 (b) Distribution of a controlled substance causing death is distributing  
12 a controlled substance in violation of K.S.A. 2012 Supp. 21-5705, and  
13 amendments thereto, when ~~the~~**death results from the use of such**  
14 ~~controlled substance distributed causes or contributes to an effect on the~~  
15 ~~body resulting in the death of a user of such controlled substance.~~

16 (c) (1) Distribution of a controlled substance causing great bodily  
17 harm is a nondrug severity level 5, person felony.

18 (2) Distribution of a controlled substance causing death is a nondrug  
19 severity level 1, person felony.

20 (d) It shall not be a defense that the user contributed to the user's own  
21 great bodily harm or death by using the controlled substance or consenting  
22 to the administration of the controlled substance by another.

23 (e) As used in this section:

24 (1) "Controlled substance" has the same meaning as defined in  
25 K.S.A. 2012 Supp. 21-5701, and amendments thereto, and also includes  
26 "controlled substance analog" as defined in K.S.A. 2012 Supp. 21-5701,  
27 and amendment thereto;

28 (2) "distribute" has the same meaning as defined in K.S.A. 2012  
29 Supp. 21-5701, and amendments thereto; and

30 (3) "use" means injection, inhalation, ingestion or other introduction  
31 into the body.

32 (f) This section shall be part of and supplemental to the Kansas  
33 criminal code.

34 Sec. 2. This act shall take effect and be in force from and after its  
35 publication in the statute book.