

# Senate Judiciary Committee – Senate Bill 112

February 8, 2017

## Kansas Association of Criminal Defense Lawyers

### Proponent, Written Testimony Only

The Kansas Association of Criminal Defense Lawyers (KACDL) is a 350+ member organization dedicated to ensuring justice and due process for persons accused of crime or other misconduct.

SB 112 seeks to amend 21-5709 to change the penalty for a charge of possession of paraphernalia from a class A misdemeanor to a class B misdemeanor. KACDL is in favor of this change. As you know, in 2016, possession of marijuana was changed from a class A misdemeanor for a first offense down to a class B misdemeanor for a first offense and a class A misdemeanor for a second offense. Making this change to the paraphernalia law would be in line with the change which reduced the penalties for possession of marijuana.

Possession of paraphernalia is a charge that covers activities such as possessing a baggie that contains marijuana or possessing a pipe used to smoke drugs. It makes sense that possession of paraphernalia should not be a more severe charge than actually possessing marijuana.

Class A misdemeanors can carry a penalty of up to 12 months in county jail and a fine of up to \$2500.00. Class B misdemeanors can carry a penalty of up to 6 months in county jail and a fine of up to \$1000.00. Making possession of paraphernalia a class B misdemeanor would still result in a significant punishment for offenders without the contradiction of being a more serious crime than possession of marijuana.

For these reasons, we urge the committee to support SB 112. Thank you for your consideration,

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