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KANSAS SENTENCING COMMISSION
Scott M. Schultz, Executive Director
February 6, 2018

Proponent Testimony – HB 2566

On behalf of the Kansas Sentencing Commission, thank you for the opportunity to present testimony in favor of this legislation. This bill was introduced by the KSSC to amend K.S.A. 2017 Supp. 21-5706 by adding the substance “tetrahydrocannabinols” (THC) as defined in K.S.A. 2017 Supp. 65-4105(h). A second conviction for possession of THC would be a class A, nonperson misdemeanor, similar to that of possession of marijuana. It currently is a drug severity level 5, nonperson felony.

The Commission recommends this bill because THC is the active ingredient in the marijuana plant. It is the substance that creates the “high” offenders experience. An inequity exists in enforcing these crimes of possession in that it is possible an offender may be convicted of second-time possession of THC instead of possession of marijuana and receive a felony conviction and sentence rather than receiving punishment as a misdemeanor violation.

Reducing the penalty for possession of THC would make it consistent with the current penalties for possession of marijuana, which requires a class B misdemeanor upon first conviction, a class A misdemeanor if the offender has a prior conviction and a drug severity level 5 nonperson felony if the offender has two or more prior convictions.

I appreciate your time and attention to the Kansas Sentencing Commission testimony, ask for your support, and would be happy to answer questions. Thank you.