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MEMORANDUM

To: Senate Committee on Judiciary

From: Jenna Moyer and Natalie Scott, Assistant Revisors of Statutes

Date: March 20, 2018

Subject: HB2566 – Making the criminal penalty for possession of THC equal to the criminal penalty for possession of marijuana.

HB 2566 amends K.S.A. 21-5706 to align the criminal penalty for possession of THC with that of possession of marijuana.

Current law provides that possession of marijuana is a class B nonperson misdemeanor for the first offense, a class A nonperson misdemeanor for the second offense, and a drug severity level 5 felony for a third or subsequent offense. Possession of THC is a class A nonperson misdemeanor for the first offense and a drug severity level 5 felony for the second or subsequent offense.

This bill would match the criminal penalty scheme for possession of THC to the criminal penalty scheme for possession of marijuana.