

Legislative Testimony

In **Opposition** to SB414

House Committee on Corrections and Juvenile Justice

March 4, 2024

| **WRITTEN ONLY** |

Dear Chairman Owens and Members of the Committee,

My name is Rashane Hamby, and I am the Director of Policy and Research at the American Civil Liberties Union of Kansas. The ACLU of Kansas, a nonpartisan, nonprofit organization, champions the rights and liberties of all Kansas residents, supported by over 35,000 statewide advocates. We are fundamentally opposed to any legislation that prioritizes punitive measures over addressing the root causes of social issues. Senate Bill No. 414, which proposes increasing penalties for marijuana-related offenses, starkly contradicts the national movement towards the decriminalization and legalization of marijuana, marking a regressive step for our state.

The Ineffectiveness of Increased Penalties

SB414 isn't just about distribution. It introduces changes, especially noted on page 3, lines 32-36, that highlight its broader issues, like the failure of harsher penalties to effectively address drug offenses and these provisions are emblematic of broader issues within the bill, especially regarding the ineffectiveness of increased penalties for drug offenses. Extensive historical national and local data and research unequivocally demonstrate that harsher penalties for drug offenses fail to reduce distribution rates or usage. Such measures exacerbate existing issues within our criminal justice system, leading to widespread over-incarceration without tackling the underlying causes of substance abuse.

Lessons from Methamphetamine Legislation

It is vital to draw parallels between SB414's approach to fentanyl and Kansas's past legislation targeting methamphetamine. Despite enacting severe penalties for methamphetamine, the issue has persisted unabated in Kansas. This is evidenced by data from Sedgwick County, where the District Attorney's Office reported an increase in methamphetamine-related cases from 11% to 18.5% over four years. Furthermore, Sheriff Jeff Easter noted that methamphetamine constituted 70% of drug crimes in the county. These statistics underscore the ineffectiveness of punitive measures, suggesting that a similar strategy for fentanyl will likely be futile and only perpetuate a cycle of enforcement and incarceration.

A Call for Evidence-based Strategies

Drawing from our experiences with methamphetamine, we must critically assess the rationale behind applying a similar punitive framework to fentanyl. We advocate for evidence-based

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strategies centered on prevention, treatment, and harm reduction, which have proven more effective in addressing drug issues.

In conclusion, Senate Bill No. 414's approach to increasing penalties for drug offenses, particularly fentanyl and marijuana, is both misguided and ineffective. It is imperative that legislation reflects a nuanced understanding of the substances it seeks to regulate. The approach proposed in SB414 to marijuana criminalization is a clear example of policy that could result in unjust outcomes and should be reconsidered in light of these significant concern. We urge a reevaluation of this bill in favor of strategies that genuinely address the complexities of substance use and support the well-being of Kansas residents. Please vote no.

Thank you.

Rashane Hamby

Director of Policy and Research

American Civil Liberties Union of Kansas