

SESSION OF 2004

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2777**

As Agreed to May 1, 2004

Brief*

HB 2777 deals with the manufacture of controlled substances as follows.

KSA 65-4161 and KSA 65-4163 are amended, making it a drug level crime to sell opiates, narcotics, and depressants, stimulants, and Hallucinogenic drugs to delete from these crimes the compounding of these drugs. This change addresses *State v. McAdam* ___Kan. ___ 83 P.3d 161(2004) which held that a person charged with manufacturing illegal drugs under KSA 65-4159, a drug level 1 crime, which also covers the compounding of an illegal drug could only be sentenced as if they were found guilty of the level 3 drug crimes.

The bill makes the above change retroactive to allow persons found guilty of a drug severity level 1 felony not to have their sentences reduced as required by *McAdam*. The bill contains a severability clause and is effective upon publication in the *Kansas Register*.

In addition, the bill adds provisions dealing with aggravated endangering a child.

Another provision of the bill increases the percentage of fines, penalties, and forfeitures credited to the Crime Victims Compensation Fund. The percentage credited to the Crime Victims Compensation Fund would increase from the statutory rate of 7.99 percent to 11.99 percent and the percentage credited to the Crime Victims Assistance Fund would increase from 1.45 percent to 2.45 percent. These provisions are from SB 552.

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. The conference committee summary report may be accessed on the Internet at <http://www.kslegislature.org>

Conference Committee Action

The Senate receded from its amendments to the bill. The Conference Committee further agreed to the following:

- ! insert the provisions regarding aggravated endangering a child;
- ! insert the provisions increasing the percentage of fines, penalties, and forfeitures to the Crime Victims Compensation Fund.