

HOUSE BILL No. 2044

By Committee on Corrections and Juvenile Justice

1-22

1 AN ACT concerning crimes and punishment; relating to distribution of
2 controlled substances causing death or great bodily harm.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) Distribution of a controlled substance causing great
6 bodily harm is distributing a controlled substance in violation of K.S.A.
7 2012 Supp. 21-5705, and amendments thereto, when the controlled
8 substance distributed causes or contributes to an effect on the body
9 resulting in great bodily harm to a user of such controlled substance.

10 (b) Distribution of a controlled substance causing death is distributing
11 a controlled substance in violation of K.S.A. 2012 Supp. 21-5705, and
12 amendments thereto, when the controlled substance distributed causes or
13 contributes to an effect on the body resulting in the death of a user of such
14 controlled substance.

15 (c) (1) Distribution of a controlled substance causing great bodily
16 harm is a nondrug severity level 5, person felony.

17 (2) Distribution of a controlled substance causing death is a nondrug
18 severity level 1, person felony.

19 (d) It shall not be a defense that the user contributed to the user's own
20 great bodily harm or death by using the controlled substance or consenting
21 to the administration of the controlled substance by another.

22 (e) As used in this section:

23 (1) "Controlled substance" has the same meaning as defined in
24 K.S.A. 2012 Supp. 21-5701, and amendments thereto, and also includes
25 "controlled substance analog" as defined in K.S.A. 2012 Supp. 21-5701,
26 and amendment thereto;

27 (2) "distribute" has the same meaning as defined in K.S.A. 2012
28 Supp. 21-5701, and amendments thereto; and

29 (3) "use" means injection, inhalation, ingestion or other introduction
30 into the body.

31 (f) This section shall be part of and supplemental to the Kansas
32 criminal code.

33 Sec. 2. This act shall take effect and be in force from and after its
34 publication in the statute book.