

## STATEMENT OF PURPOSE

RS27330 / S1222

This legislation is intended to refocus Idaho's response to the use of illegal drugs from prosecution and punishment to treatment by (i) decriminalizing the unlawful use of controlled substances in private places, and (ii) repealing the current prohibition on civil commitments for drug abuse. The legislation does not excuse the commission of crimes that might be associated, arise from or co-occur with the use and possession of illegal drugs, and it expressly retains prohibitions in Idaho law on (i) using and being under the influence in public places, (ii) drug trafficking (while adding an intent to deliver requirement to the trafficking statutes), and (iii) driving under the influence.

The pervasive drug culture sends powerful and confusing messages that encourage drug use. In too many instances young and impressionable minds tragically fall into drug use. Add in attempted self-medication by an unfortunate number of compromised people and the lack of an adequate mental health care system, and we have a significant number of people who are vulnerable to those who push illegal drugs, significantly contributing to high levels of substance abuse. It is appropriate to view many of those with substance abuse issues as crime victims needing treatment, not as criminals.

### FISCAL NOTE

The fiscal impact of this legislation involves a wide range of factors, including but not limited to a decrease in state and local law enforcement, prosecution, public defense, judicial, corrections, probation and parole budgets, and an increase in state and local budgets for legal, judicial and treatment costs associated with civil commitments for substance abuse disorders. Whether the IMD waiver to permit coverage for services to Medicaid-enrolled patients with mental diseases and co-occurring substance abuse issues will be approved by the federal government remains in doubt. Consequently, it is not possible to calculate the fiscal effect of this legislation at this time.

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**DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).**