

STATEMENT OF PURPOSE

RS30270 / H0234

Idaho is in the midst of a fentanyl crisis. Not only is it deadly, it is often laced into other pills or drugs – even black-market vape cartridges – and a person won't even know it. This bill would impose mandatory minimum prison sentences and fines on those found with seven grams or more of fentanyl. It would also make the following updates to Idaho's 30-year-old mandatory minimum drug sentencing statute:

1. Keep mandatory minimum sentences but allow judicial discretion for first-time convictions for drugs other than fentanyl. Idaho's original law included language allowing discretion to depart from the mandatory minimum sentence in specific instances. This bill would restore discretion in a way that respects the legislature's original intent and Idaho's Constitution so that judges may distinguish between trafficking and addiction.
2. Ensure the law focuses on drug dealers by requiring prosecutors to prove intent to distribute. The current statute only requires a showing of weight, not proof that the person intended to distribute or deliver it.
3. Require weight be limited to the illegal substance. Weight is based not only on the illegal substance, but also on all surrounding materials. The State Lab already separates and weighs the illegal substance from surrounding materials for federal cases.
4. Update quantities of certain drugs that trigger a mandatory minimum by eliminating the lowest category of marijuana trafficking and by mirroring the levels for heroin to federal law. Most quantities are original to the 1992 law. Yet Idaho police report that nearly every drug they apprehend is a combination of legal and illegal substance. Dilution coupled with tolerance means some addicted Idahoans are mislabeled as traffickers.

If the power and resources of government are used to remove a person's liberty, the standard should be higher.

FISCAL NOTE

The State Lab does not have data on what it would cost to separate and weigh the illicit substance as it does for federal cases, but estimates it would be at least double-digit multipliers more expensive than following the current state requirement.

Contact:

Representative Judy Boyle
(208) 332-1000

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).