

STATEMENT OF PURPOSE

RS30450 / H0233

Idaho is in the midst of a fentanyl crisis. Not only is fentanyl 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 is an effort to compromise. It includes language identical to a bill introduced earlier this session imposing mandatory minimum prison sentences for fentanyl. It also includes reasonable updates to Idaho's 30-year-old mandatory minimum drug sentencing statute:

1. Impose mandatory minimum sentences for seven grams or more of fentanyl.
2. Keep mandatory minimum sentences but allow judicial discretion for first-time convictions for drugs other than fentanyl.
 - Thirty years ago, the legislature established mandatory minimum sentences for drug crimes. The intended target was leaders of criminal drug rings that manufacture and sell drugs to Idahoans.
 - Idaho's original statute 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.
 - Judges will still be able to impose a full sentence for first-time offenders – it is simply not a mandate.
3. Update quantities of heroin to mirror other statutory levels.
 - Under the original 1992 language, the lowest trigger for mandatory minimum sentences for heroin was set at two grams; for the sickest addicts today, this reflects less than 1 day of personal use.
 - Idaho police report that nearly every drug they apprehend is a combination of legal and illegal substances. Drug dealers make more money when they add other substances to illegal drugs. Put simply, this makes drugs weigh more. Dilution coupled with tolerance means some addicted Idahoans are mislabeled as traffickers.
 - This bill would amend the mandatory minimum sentencing tiers for heroin to match the state's levels for cocaine and methamphetamine.

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

FISCAL NOTE

The projected fiscal impact to the general fund is negligible because there could be potential savings for reduced incarceration, but prisons will still be open.

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).