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Oppose HB 1427 – An Ineffective and Expensive Approach to Reducing Drug Overdoses

HB 1427 would expand the law to allow someone to be charged for murder for supplying a drug to another adult who voluntarily takes the drug and overdoses.

This law would take the Commonwealth in the wrong direction. After more than 40 years of the War on Drugs, we know one thing for sure – imposing harsh punishments on suppliers hasn't solved the problem but has cost the taxpayers of the Commonwealth millions of dollars. Drugs are just as available, cheap, and in demand as ever. Expanding the law to allow someone to be charged for murder for supplying a drug when another adult voluntarily takes the drug will not end overdoses. It is an expensive, ineffective approach.

This law would be an ineffective use of the Commonwealth's scarce resources. Based on preliminary data provided by the Virginia Department of Health, Schedule I or II drugs caused 82% of the 912 drug or poison deaths in 2013. And, according to the Sentencing Guidelines Database for FY2013 and FY2014, the median sentence length was 22 years and 3 months for those individuals convicted of felony murder under § 18.2-33. At a cost of approximately \$25,000 per person/per year, each individual will cost the Commonwealth approximately 556,250 over the course of their sentence (not adjusted for inflation). If the goal is to reduce drug use and save lives, then this money would be much better spent on treatment programs.

The Commonwealth should focus on what actually works to save lives. Unlike incarceration, safe reporting laws, access to naloxone, better and more widely available treatment, and stigma-free services are public health-based responses that have been shown to reduce drug use and save lives. The Commonwealth would be much better served by redirecting that money to treatment programs and other proven effective ways for reducing drug dependency and saving lives.

Many petty dealers sell drugs to support their own habit, and Virginia law already provides for stiff penalties for drug dealers. For example, distribution of 100g or more of heroin can carry a five years to life sentence (18.2-248(C,1)). Virginia doesn't need stiffer penalties, it needs smarter, evidence-based responses.

HB 1427 doubles down on a failed approach to public safety.