

HB

400

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 400
(H) Publish Date: 3/13/08

Identifier (file name): _____ Dept. Affected: LAW
Title An Act relating to obtaining medical assistance for a drug RDU Criminal
overdose. Component Criminal Justice Litigation
Sponsor REPRESENTATIVE(S) KERTTULA
Requester HOUSE JUDICIARY Component Number _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Aperopriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

HB 400 would add a mitigating factor to our sentencing law. It would allow the court to consider, for a person convicted of a drug offense, the mitigating factor that the person sought medical assistance for another person (who was overdosing on drugs) at the same time the crime was committed. The department does not expect a significant fiscal impact as a result of this bill.

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Department of Law

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Date/Time 2/22/08 7:57 AM
Date 2/22/2008



Representative Beth Kerttula

House Minority Leader

House Bill 400

Mitigating Factor: Care for Drug Overdose

Sponsor Statement

Substance abuse is a prevalent problem in Alaska, where we have higher rates of use of controlled substances and deaths from overdoses than the national average. Approximately 85 people die each year from drug overdoses in Alaska. Many times deaths from drug overdoses may be preventable by a single 911 call that is not made because the people who are witnessing the overdose are afraid of being arrested themselves.

House Bill 400 addresses this problem by allowing a mitigating factor in sentencing for crimes involving controlled substances if the defendant sought medical assistance for another person who is experiencing a drug overdose.

Testimony of Angela Hull given to House Judiciary Committee February 25, 2008

Madame Chair, members of the committee, my name is Angela Hull and I am here as a concerned citizen. I would like to thank you for allowing me the opportunity to address you this afternoon.

On March 26, 2007 my 27-year-old daughter, Selene Marhya Wolthausen, was at her home with two other adults and they were all using drugs. This wasn't the way my daughter was raised, but the truth of the matter is – although none of us raise our children to become substance abusers, all too often they do. Sadly, Selene overdosed. Sadder still - neither one of the other two adults called 911.

When my 4-year-old granddaughter came in the house and saw her mommy on the ground, she ran to the neighbors to have them call 911. My 10-year-old grandson began performing CPR on his mother, as he'd seen on television. Not only did the adults fail to call 911, but also when they found out that someone had, they locked emergency personnel out.

No one really knows how long my daughter was down and whether or not those critical minutes that personnel were denied access could have made a difference, but what I do believe is that if the other persons in the home weren't afraid of being arrested for possessing drugs, they might have called 911 right away, and that could have saved my daughter's life.

That's what we're talking about here today – saving lives. You and I, we automatically do the right things in these situations, but our minds and lives aren't ruled by substance abuse. People who have substance abuse problems don't have the same patterns of thinking. They are often not able to think beyond themselves. They do, however, know all about laws that pertain to them, how to get by, how to skirt trouble, and for certain, if they are caught with drugs, they're going to be arrested. It isn't only being arrested that they fear, it's losing access to their drugs. So, they take that extra time – precious, life-saving time - to dispose of the drugs and the paraphernalia. Often they run, leaving someone there to die. They aren't thinking the same way we do. In this case, small children did the right thing and called 911, so the drug users tried to collect themselves enough to face those consequences.

It's too late for Selene; and Selene, unfortunately, isn't alone. In the last five years, seven of Selene's friends have lost their lives to overdose. Some of them here in town, some of them when they moved to the Lower 48. I am here to ask you to help save our children's lives.

In order to help people make good choices and save someone's life, we could provide a very small safety net for them; give them a tool that supports making the right decision. Say to them, please save someone's life – we will not prosecute you for possession, you are safe. This bill could be a stepping stone to that end.

Thank you for your time.