

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.457 **Name of Bill:** An act relating to increasing the penalties for dispensing and trafficking heroin and methamphetamine

Agency/Dept: VSP/NIU-HQ **Author of Bill Review:** Det Sgt Shawn Loan

Date of Bill Review: 3/18/15 **Related Bills and Key Players:**

Status of Bill: (check one)

Upon Introduction As passed by 1st body As passed by both bodies

Recommended Position:

Support Oppose Remain Neutral Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** *The bill is an act to increase the penalties for dispensing and trafficking heroin and methamphetamine. It directly address the dispensing and trafficking of large quantities of heroin and methamphetamine. It would amend title 18, V.S.A. 4233 and 4234a by increasing the maximum length of imprisonment for these criminal acts.*
2. **Is there a need for this bill?** *Yes, because the bill would allow prosecutors to request the courts to deliver longer prison sentences for high level heroin and methamphetamine distributors and traffickers. These raised imprisonment lengths would only apply to the most serious offenders and would be a positive tool for prosecutors and investigators in pursuing and resolving criminal cases.*
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** *No fiscal implications are likely and the probable cause for these crimes remains unchanged for department investigators.*
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** *The proposed increase of penalties for high level heroin and methamphetamine offenders may allow prosecutors to arrange plea agreements for lessor sentences, as the potential of long prison terms may lead offenders to avoid costly trials. If convicted and the maximum sentence is given by the court, the Department of Corrections would have an inmate in their system for at least 10 years longer than the un-amended statute.*
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** *Harsher heroin and methamphetamine penalties are meant to deter large scale drug traffickers and distributors from using Vermont as a base for drug distribution. If the amended statute does deter high level traffickers, then Vermont's businesses, towns, schools, and general public would benefit with a decrease in high level narcotics traffickers.*
6. **Other Stakeholders:**

6.1 Who else is likely to support the proposal and why? *Law enforcement, prosecutors, victims of drug crimes, and family members of drug dependent Vermonters are likely to support stiffer penalties for persons who traffic and distribute large amounts of heroin and methamphetamine into Vermont.*

6.2 Who else is likely to oppose the proposal and why? *Supporters of the decriminalization or legalization of drugs and people who believe incarceration is not the solution to combatting the current drug epidemic would likely feel stronger prison sentences to be an unsuccessful method of deterring drug trafficker and distributors.*

7. Rationale for recommendation: *Increased prison sentences for large volume distributors and traffickers shows the public and criminals that Vermont will pursue serious criminal penalties for those persons who bring heroin and methamphetamine into Vermont. The increased sentences are also effective bargaining tools for prosecutors to have speedy and cost-effective resolutions to high level narcotics cases.*

8. Specific modifications that would be needed to recommend support of this bill: *The amendment to Title 18 section 4234a, would change the maximum penalty for possessing/trafficking methamphetamine in amounts greater than 300 grams from 30 to 40 years. Methamphetamine is a highly addictive and long lasting drug, commonly sold in smaller dosage units than cocaine. The current statute for cocaine, T18, 4231c(1) provides a similar penalty of 30 years (the un-amended amount for the methamphetamine statute) for 150 grams of cocaine. Since methamphetamine is ingested in much smaller dosage units (1/16 and 1/4 gram dosages), it would be more effective to also change the statute to at least 150 grams, if not less than the amount used in the similar cocaine statute. Also, the weight currently required for a methamphetamine drug conspiracy, T.18 4234c, requires 800 grams of methamphetamine. The equivalent statute for cocaine drug conspiracy, T 18 4231c(1), requires only 400 grams. A lowering of this 800 gram threshold would also provide a more reasonable guideline for methamphetamine trafficking/conspiracy.*

9. Gubernatorial appointments to board or commission?

Secretary/Commissioner has reviewed this document



Date: 4/7/15