

TOM UMBERG

SENATOR, 34TH SENATE DISTRICT

SB 44: Alexandra's Law

JOINT AUTHOR: Senator Ochoa Bogh

PRINCIPAL CO-AUTHORS: Senators Caballero, Portantino, Roth, Stern

SENATE CO-AUTHORS: Alvarado-Gil, Archuleta, Becker, Blakespear, Dodd, Glazer, Grove, Jones, Min, Newman, Niello, Nguyen, Seyarto, Wilk

ASSEMBLY CO-AUTHORS: Alanis, Bennett, Chen, Davies, Dixon, Essayli, Grayson, Lackey, Nguyen, Joe Patterson, Petrie-Norris, Quirk-Silva, Rodriguez, Rubio, Sanchez, Ta, Wood

SUMMARY

Senate Bill 44 – Alexandra's Law -- will require that a written advisory or admonishment be issued to a person convicted of a fentanyl-related drug offense notifying the person of the danger of manufacturing and distributing controlled substances and of potential future criminal liability if another person dies as a result of that person's actions.

BACKGROUND/EXISTING LAW

With respect to deaths resulting from DUIs, the **California Supreme Court** held in *People v. Watson (1981)*, 30 Cal.3d 290, 298, in affirming a second-degree murder conviction, that "when the conduct in question can be characterized as a wanton disregard for life, and the facts demonstrate a subjective awareness of the risk created, malice may be implied."

To codify this notion, **California Vehicle Code §23593** was implemented in 2004 to require that courts read an admonishment to anyone convicted of reckless driving or Driving Under the Influence (DUI) to inform them of the state's ability and intent to charge a repeated future offense with manslaughter or murder.

California Health & Safety Code §§11351-11352 make it unlawful to sell, traffic, or transport specified opiates and opiate derivatives including fentanyl.

Fentanyl is a synthetic opioid 100 times more potent than morphine. It can be found in methamphetamine, cocaine, heroin, and vaping products, as well as fake pills of Xanax, hydrocodone or Oxycodone.

NEED FOR THE BILL

Statistics show the opioid crisis has significantly worsened since fentanyl entered the illicit drug market.

Sadly, synthetic opioids were responsible for the majority of drug related deaths in 2021. Specifically, fentanyl was the number one cause of death last year for people ages 18-45, outpacing suicides and COVID-19.

Fentanyl causes a fatality every 8.57 minutes, approximately, and is linked to 64% of total drug fatalities.

It is believed that fentanyl-specific admonishments have been individually adopted by at least 28 out California's 58 counties. Unfortunately, lack of statewide adoption and/or consistent use allow for gaping cracks in its enforcement.

SOLUTION

SB 44 introduces the California Fentanyl Admonishment, otherwise known as Alexandra's Law, modeled after the state's current DUI Advisory.

The admonishment required by SB 44 will help law enforcement and prosecutors establish implied malice in cases of drug-induced death resulting from fentanyl sold or furnished by a previously-convicted dealer or trafficker.

SUPPORT

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OPPOSITION

Ella Baker Center

FOR MORE INFORMATION

Jackie Koenig
Phone: (916) 651-4034
Email: Jackie.Koenig@sen.ca.gov