



State of Rhode Island and Providence Plantations

State House
Providence, Rhode Island 02903-1196
401-222-2080

Gina M. Raimondo
Governor

June 29, 2018

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I am transmitting to the Secretary of State, with my signature, 2018-H 7715 Substitute A as amended, “An Act Relating to Criminal Offenses – Homicide,” also known as Kristen’s Law.

This legislation provides that a person who unlawfully delivers a controlled substance in exchange for anything of value to another adult, thereby causing the death of that adult, is guilty of homicide and may be imprisoned up to life. The legislation also preserves Good Samaritan protection for any person who, in good faith, seeks medical assistance for someone experiencing a drug overdose.

In the past two years, we have lost over 650 Rhode Islanders to drug overdose deaths. About 400 of those deaths are attributable to fentanyl – a highly potent opioid that has spiked in recent years and is often mixed with heroin and cocaine with potentially deadly results. One overdose death is one too many, as the heartbreak of each loss continues to reverberate throughout every community in our State.

My administration has always prioritized, and will continue to prioritize, public health strategies that target prevention, rescue, treatment, and recovery support. The Overdose Prevention and Intervention Task Force has received national recognition and praise for its innovative and pathbreaking public health solutions, which have successfully reduced the number of overdose deaths in our State. Additionally, I will soon be signing into law a suite of bills that will establish mental health parity for behavioral health counseling and medication assisted treatment, improve access to naloxone, allow for the use of fentanyl testing strips, establish a procedure for individuals to file a non-opioid directive, and allow pharmacists to dispense a partial fill of a Schedule II controlled substance at the request of the patient or prescriber.

But the gravity of the overdose epidemic requires more. It requires a comprehensive approach where we use every tool at our disposal—including our criminal justice system—to take dangerous drugs and those who sell them off our streets. This law will help hold accountable drug dealers who sell drugs that kill our children, friends and neighbors. I recognize and respect that there are different opinions about the role the criminal justice system should play in addressing the opioid crisis. However, I believe that this narrowly crafted legislation provides law enforcement with a necessary tool that balances the public safety concerns of Rhode Islanders with the public health approach my administration has championed.

The amended bill contains several provisions to ensure that only high-level, profit-seeking drug dealers are prosecuted under this statute. First, the statute requires that the delivery of the controlled substance be “in exchange for anything of value” and specifically excludes the act of sharing controlled substances. This language will help avert the prosecution of individuals who share drugs with friends and family members and who may themselves suffer from an opiate addiction.

Second, the punishment of “up to life” affords judges with significant discretion over how to sentence violators. It allows judges to take into consideration the full panoply of circumstances surrounding the victim’s overdose death, including any aggravating or mitigating circumstances concerning the perpetrator. Notably, unlike federal law and other states’ laws, our law does not mandate minimum sentences, a life sentence, or preclude sentences of probation or eligibility for parole. Nor does it increase the maximum penalties that are already on the books for drug distribution. Our current laws already provide for “up to life” penalties for drug distribution like heroin, fentanyl and cocaine. *See* R.I.G.L. § 21-28-4.01.

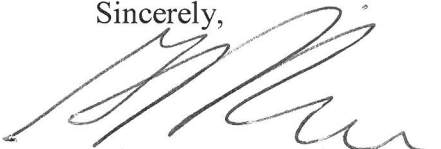
Third, the statute seeks to target those further up the chain of distribution by allowing for the prosecution of those who deliver a controlled substance to another person who subsequently delivers such controlled substance to an adult. This language pierces the buffer that high-level drug dealers often establish between themselves and users on the street and holds them accountable for the death they have caused. It reinforces the intent of this bill, which is not to further punish individuals who themselves suffer from drug addiction, but rather to go after high level dealers who actively profit from the distribution of controlled substances within our State.

Finally, the statute preserves Good Samaritan immunity to those who, in good faith, seek medical attention for someone experiencing an overdose.

Historically, our state prosecutors have pursued murder charges against drug dealers whose drugs caused the death of a person on only rare occasions. I fully expect that the Attorney General’s Office will continue to exercise its discretion wisely and use this statute sparingly, to target egregious cases and significant traffickers who seek to capitalize on addiction and who callously profit from the death and despair they leave in their wake. We plan to monitor the use of this statute in drug overdose deaths so we can continue to evaluate whether this law is being used as intended.

In the meantime, I will continue to marshal every resource at my disposal to promote treatment, prevention, and other public health solutions to put an end to this epidemic.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gina M. Raimondo', with a stylized, flowing script.

Gina M. Raimondo
Governor