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House Bill 141 (Drug Sales – Involuntary Manslaughter)
House Criminal Justice Committee
Proponent Testimony
October 17, 2017

Good afternoon Chairman Manning, Vice Chair Rezabek, Ranking Member Celebreeze and members of the House Criminal Justice Committee. Thank you for the opportunity to offer testimony in support of House Bill 141, a bill that proposes to hold drug dealers accountable for the tragic consequences of their illegal trade.

Over the past several years, our members have attempted, with only limited success, to prosecute drug dealers under the involuntary manslaughter statute when their customers die from an overdose of the drugs that they were sold. While prosecutors have managed to get convictions in some cases, that is not typical outcome. One element of the offense of involuntary manslaughter is proximate cause. So, a prosecutor must prove that the conduct of the defendant was the proximate cause of the victim's death. Many jurors are reluctant to make that connection, viewing the decision of the victim to take the drugs, rather than the sale by the dealer, as the proximate cause of death.

House Bill 141 is an attempt to make it easier to prosecute drug dealers under these circumstances. The bill accomplishes this in two ways. First, it removes the proximate cause requirement in cases where an offender's sale, distribution, dispensation, or administration of any controlled substance or controlled substance causes or contributes to the victim's death. Second, it specifies that the conduct of the victim is not a defense to such a charge.

House Bill 141 is even more critical today given the increasing pervasiveness of drugs, like fentanyl and carfentanil, that are even more deadly than heroin. The bill gives prosecutors another tool to use in the fight against this drug epidemic. We urge your support.

I would be happy to answer any questions that you have.