

SENATE BILL REPORT

SB 5259

As Reported By Senate Committee On:
Judiciary, February 22, 2005

Title: An act relating to reporting drug overdoses.

Brief Description: Limiting prosecution of persons reporting drug overdoses.

Sponsors: Senators Kline, Franklin, Mulliken, Keiser, Rockefeller and Shin.

Brief History:

Committee Activity: Judiciary: 2/2/05, 2/22/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5259 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Weinstein, Vice Chair; Johnson, Ranking Minority Member; Hargrove, Rasmussen and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: In 2002, the death rate from the illicit use of drugs was 11.1 deaths per 100,000 Washington residents. This rate has doubled since 1993. Concern has been expressed that some people who witness drug overdoses may be reluctant to summon assistance because they fear being charged with a drug offense.

Summary of Substitute Bill: A person may not be prosecuted for a violation of the controlled substances act and is not subject to the civil forfeiture provisions if: the person is a witness to a drug overdose; the witness reasonably believes that overdose resulted in an imminent threat to the health or life of the victim; the person immediately reported the overdose to the proper authorities; and all evidence of the contemplated charge was gained as a result of the report. The act does not apply to prosecutions for controlled substances homicide or in cases when the witness sold the drugs to the victim.

Substitute Bill Compared to Original Bill: The overdose victim need not actually be in danger as long as the witness reasonably believes that the danger exists. The act does not apply to prosecutions for controlled substances homicide or in cases when the witness sold the drugs to the victim.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill provides only limited immunity from prosecution and is intended to encourage drug overdose witnesses to report life threatening emergencies. If sufficient other evidence indicates criminal activity, the crimes can be prosecuted as they are now.

Testimony Against: None.

Testimony Other: People who provide drugs should not receive immunity from prosecution. Controlled substances homicide is in the controlled substances chapter.

Who Testified: PRO: Senator Kline, prime sponsor.

OTHER: Tom McBride, WAPA.