

# REASONS TO AMEND AND STRIKE SECTION THREE OF H.B. 406

Right On Crime recognizes the impact of fentanyl in our communities and the devastating effects that it is having on our loved ones and our families, however, serious and unintended consequences will follow the well-intended but unnecessary section three of H.B. 406.

HB 406 includes no affirmative defense for Good Samaritan acts to help save the life of someone who is overdosing. The penalty is so severe that it produces a chilling effect to render aid.

HB 406 will ensnare juvenile offenders and will require that they be prosecuted as an adult in adult court with adult sentencing provisions. Once a juvenile is prosecuted as an adult, that juvenile **MUST**, from that conviction forward, be prosecuted as an adult (I.C. 20-508; I.C. 20-509)

HB 406 will **NOT** stop traffickers. HB 406 **WILL** ensnare user-to-user offenders: juveniles at a party; young adults sharing drugs.

Serious unintended consequences will follow this law. We can do better than this. Amend and strike section three of H.B. 406.

Crime	Intent	Punishment
First Degree Murder	Malice Aforethought Abandoned and Malignant Heart.	Life Sentence with 10 Years Mandatory Minimum
Second Degree Murder	Purposeful Killing, NOT Premeditated	Indeterminate Life with 10 Years Mandatory Minimum
Voluntary Murder	Intentional Act Story Provocation "Fit of Rage"	\$15,000 Fine No Mandatory Minimum Up to 15 Years Total Imprisonment
Involuntary Murder	Unintentional Killing Criminal Neglect Recklessness	No Mandatory Minimum Up to 10 Years Imprisonment

**Death By Delivery**

**No Intent**

**Not to exceed life imprisonment**



January 19, 2024, Testimony from Jean Fisher, Idaho State Director for Right On Crime and former Idaho county prosecutor to the Idaho House Judiciary, Rules & Administration Committee.