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HOUSE JOINT RESOLUTION NO. 84

Offered January 8, 2020

Prefiled January 7, 2020

Directing the Joint Legislative Audit and Review Commission to study the efficiency and effectiveness of the Virginia courts' sentencing of Schedule I and Schedule II drug offenders. Report.

Patron—Herring

Referred to Committee on Rules

WHEREAS, abuse of Schedule I and II drugs such as cocaine, heroin, fentanyl, and prescription drugs is both a public health and public safety concern; and

WHEREAS, there has been a dramatic rise in the number of overdose deaths in crime-related drug abuse; and

WHEREAS, fatal drug overdose has been the leading cause of unnatural death in the Commonwealth since 2013, and opioids have been the driving force behind significant increases in fatal overdoses since 2013; and

WHEREAS, in 2015, the number of illicit opioid deaths surpassed prescription opioid deaths, and the disparity has increased during ensuing years; and

WHEREAS, in 2016, the Commonwealth declared the opioid addiction crisis a public health emergency; and

WHEREAS, the total number of overdose deaths attributed to all opioids increased by more than 50 percent from 2015 to 2017, with the total number of overdose deaths attributed to prescription drugs other than fentanyl increasing by approximately 30 percent, to fentanyl increasing by more than 200 percent, and to heroin increasing by more than 60 percent; and

WHEREAS, while the number of overdose deaths attributed to prescription opioids other than fentanyl actually decreased between 2017 and 2018, the number of overdose deaths attributed to use of heroin remained steady at just over 550, and the number of overdose deaths attributed to use of fentanyl increased from 770 to 813 during that same period; and

WHEREAS, according to the Office of the Chief Medical Examiner, by the end of 2019, the number of fatal opioid overdoses were expected to reach 1,280, with 486 attributed to prescription opioids other than fentanyl, 883 attributed to fentanyl, and 585 attributed to heroin; and

WHEREAS, according to the Virginia Department of Behavioral Health and Developmental Services, about 60 percent of people with substance abuse disorders have another mental health issue: individuals may attempt to self-medicate the symptoms of their mental illnesses by using controlled substances, youth with psychiatric conditions are at a higher risk for substance abuse, the use of substances may trigger the onset of mental illness in some vulnerable individuals, and trauma is a common experience for both individuals with substance abuse disorders and individuals with mental illness; and

WHEREAS, the Commonwealth should express a strong commitment to its citizens by ensuring that the Commonwealth's judicial system, to the best extent possible, seeks justice for the violation of its criminal code, justice for victims, and rehabilitation of offenders; and

WHEREAS, it is imperative that there be a review of the use of evidence-based alternatives to conviction and incarceration for heroin and opioid users; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the efficiency and effectiveness of the Virginia courts' sentencing of Schedule I and Schedule II drug offenders.

In conducting its study, the Joint Legislative Audit and Review Commission shall evaluate current spending for the prosecution and sentencing of drug offenders for Schedule I and II drug violations, incarceration, and treatment. The Joint Legislative Audit and Review Commission shall (i) study the efficiency and effectiveness of current prosecution and sentencing of drug offenses for Schedule I and II drug violations, including the uses of evidence-based alternatives to incarceration such as treatment centers and programs receiving state financial assistance; (ii) compare with other states Virginia's funding of evidence-based alternatives to incarceration; and (iii) identify opportunities to improve the effectiveness of Virginia's drug enforcement and treatment programs.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Virginia Department of Health, the Virginia Department of Behavioral Health and Developmental Services, and the Office of the Attorney General. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by

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59 November 30, 2020, and for the second year by November 30, 2021, and the chairman shall submit to
60 the Division of Legislative Automated Systems an executive summary of its findings and
61 recommendations no later than the first day of the next regular session of the General Assembly for
62 each year. Each executive summary shall state whether the Joint Legislative Audit and Review
63 Commission intends to submit to the General Assembly and the Governor a report of its findings and
64 recommendations for publication as a House or Senate document. The executive summaries and reports
65 shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for
66 the processing of legislative documents and reports and shall be posted on the General Assembly's
67 website.