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HOUSE JOINT RESOLUTION NO. 695

Offered January 11, 2017

Prefiled January 10, 2017

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, 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, 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, in 2016, the Commonwealth has declared a public health emergency as a result of the opioid addiction; and

WHEREAS, according to the Virginia Department of Health, there has been a greater than 20 percent average annual increase in heroin deaths over the past decade; and

WHEREAS, according to the Virginia State Health Commissioner, three Virginians die of a drug overdose and over two dozen are treated in emergency departments for drug overdoses each day; the number of emergency department visits due to heroin overdoses has increased 89 percent for the first nine months of 2016 when compared to the same period in 2015; and

WHEREAS, by the end of 2016, the number of fatal opioid overdoses are expected to have increased by 77 percent in the last five years; 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 substance abuse and mental illness; 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 November 30, 2017, and for the second year by November 30, 2018, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next regular session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's

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