

Homicide charge is not a solution to drug use

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There is a bill currently under serious consideration at the Arizona Legislature that would shift Arizona's overdose crisis into overdrive. HB2021 threatens people who suffer from substance-use disorder with homicide charges and a mandatory prison sentence. It ignores the lessons learned from the failed "War on Drugs," and if passed, would accelerate overdose deaths and cause tremendous harm.



Jeremiah Goulka

Seven people are dying from overdose every day in Arizona.

This calls for useful solutions. Instead, HB2021 creates a new type of homicide, carrying a prison sentence of up to 29 years, if a person shares drugs with someone else who later dies of an overdose. It does not matter what the person's intent was, if they did not know or misrepresented what was in the drugs, or if the person who overdosed suffered from a health condition or was consuming other substances at the time.

This bill would not bring justice to victims, their families, or their communities.

Despite the new crime's sensational name of "drug trafficking homicide," there is no trafficking requirement in the bill. Instead, it broadens the scope of who can be prosecuted, with a focus on the 24 hours prior to an accidental drug poisoning that will prevent enforcement from going further up the chain to the large-scale drug traffickers who are presumably the bill's intended target.

But simple editing won't fix this sloppy legislation. Laws like this punish people at the end of the



“supply chain” who are suffering from addiction. The Health in Justice Action Lab and other trusted sources have found that half of these cases are brought against fellow drug users, their friends, and families. The other half are against low-level drug “sellers” who are often living with substance-use disorder and sell small amounts of drugs to get by and avoid the horrors of their own withdrawal. Our research also found appalling racial disparities in how cases were selected and in sentencing, with punishments 50% to almost 100% harsher for Black, Indigenous and people of color than for white people.

In cases elsewhere, we have also seen far too many instances where drugs were shared by friends, one accidentally consumed too much, and the other went to prison for homicide. Where is the justice in that?

This bill would not reduce drug use or drug crime.



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Addiction alters brain neurochemistry in a way that compels a person to satisfy cravings and avoid withdrawal despite recognized negative consequences. For that reason, the threat of legal sanctions does not deter drug use, no matter how harsh punishments might be.



Laws like HB2021 don't stop drug crime, but they do stop people from calling 911 in the event of an overdose. The Health in Justice Action Lab, working with a team of econometric epidemiologists at Boston University, studied how "drug-induced homicide" prosecutions covered in the media affected subsequent overdose rates. We estimated that the media coverage led to 32,674 deaths between 2000 and 2017 that would not otherwise have occurred.

There's a different approach – and it works. What reduces drug crime? Evidence-based treatment. That means providing real access to medications for addiction treatment for people who want it, when they are ready. There is far too much tragedy in the overdose crisis for more political theater. Arizona lawmakers should reject HB2021 and focus on what works.

Jeremiah Goulka is senior fellow and director of justice policy in the Health in Justice Action Lab.

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