

Fiscal Note

BILL # SB 1621

TITLE: narcotic drugs; death; sentence enhancement

SPONSOR: Werner

STATUS: As Introduced

PREPARED BY: Jordan Johnston

Description

The bill would increase penalties for persons convicted of selling a narcotic drug if the drug sale contributed to the death of another person.

Estimated Impact

We estimate the bill would increase the Arizona Department of Corrections' (ADC) operating costs in the long run as individuals convicted under the increased sentencing requirements spend more time in prison than currently required by law. The impact would not start for at least 4 years (the current minimum applicable sentence that would be increased). However, we are unable to determine the magnitude of this cost increase due to insufficient data regarding narcotic drug sales that contribute to a death.

Analysis

A.R.S. § 13-3408(A7) prohibits the sale or transfer of a narcotic drug. This crime is considered a class 2 felony, punishable by up to 7 years of probation, or by a prison sentence of between 4 and 10 years, with a presumptive sentence of 5 years in prison. The sentencing periods increase for repeat offenders. If the narcotic is fentanyl, current law requires a sentence of between 5 and 10 years in prison, with a presumptive sentence of 10 years in prison.

The bill would require that if a person is convicted of the sale of a narcotic drug, and the narcotic drug sale contributed to the death of another person, the individual convicted of the drug sale would serve a minimum sentence of 15 years, presumptive sentence of 20 years, and a maximum sentence of 25 years.

According to information provided by the Administrative Office of the Courts, there were 1,427 persons convicted of selling a narcotic drug in 2024. There is not any data regarding the number of these convictions that contributed to the death of another person. However, according to the Opioid Overdoses Surveillance Report from the Department of Health Services, there were 1,927 opioid overdose deaths in Arizona in 2022 (including overdoses on narcotic drugs). Of these 1,927 deaths, we are unable to tell how many deaths were a result of taking a narcotic drug or included a narcotic drug sale.

The cost of the bill will ultimately depend on the number of narcotic drug sale convictions in which a court deems contributed to the death of another person. If, for instance, a person was found guilty in court of selling a narcotic drug that contributed to the death of another person, the presumptive sentencing period would increase by 15 years for a first time offender (barring no other criminal convictions).

Local Government Impact

None

2/25/25

