148TH GENERAL ASSEMBLY

FISCAL NOTE

BILL:	HOUSE BILL NO. 239
SPONSOR:	Representative Dukes
DESCRIPTION:	AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE DISTRIBUTION OR DELIVERY OF A CONTROLLED SUBSTANCE CAUSING DEATH.

ASSUMPTIONS:

1. Effective upon the signature of the Governor.

2. This bill creates the crime of Drug Dealing – Resulting in death. The purpose of this bill is to address the recent spike in deaths resulting from substances such as heroin and fentanyl.

3. A similar law, Title 16 § 4751(c), stating that any person convicted of manufacturing or delivering a Schedule I-V narcotic drug where death occurs as a result of the use or consumption of said drug shall be guilty of a class B felony and fined not more than $100,000, was repealed in September of 2011.

4. The Statistical Analysis Center has reviewed this Act for potential Department of Correction bed space impact. Due to the Act being a proposed new crime similar to that of a previously repealed crime, the Center queried arrest and conviction data from 2006 through 2011 and found zero (0) arrests and zero (0) convictions. The proposed Act is a class B felony with a minimum Level V term of two (2) years and a SENTAC presumptive sentence of two (2) to five (5) years at Level V. Due to the possibility of a Department of Correction bed impact based on the presumptive sentence, but no firm basis for projecting prosecution patterns, the fiscal impact is indeterminable.

Cost:

Fiscal Year 2015	Indeterminable, assumed insignificant
Fiscal Year 2016	Indeterminable, assumed insignificant
Fiscal Year 2017	Indeterminable, assumed insignificant

Office of Controller General
January 20, 2016
SP:CGO
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(Amounts are shown in whole dollars)