

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Judiciary to which was referred House Bill No. 167  
3 entitled “An act relating to establishing drug possession thresholds to  
4 distinguish misdemeanor and felony crimes” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE FINDINGS

8 The General Assembly finds:

9 (1) According to Michael Botticelli, former Director of the Office of  
10 National Drug Control Policy, the National Drug Control Strategy  
11 recommends treating “addiction as a public health issue, not a crime.” Further,  
12 the strategy “rejects the notion that we can arrest and incarcerate our way out  
13 of the nation’s drug problem.”

14 (2) Vermont Chief Justice Paul Reiber has declared that “the classic  
15 approach of ‘tough on crime’ is not working in [the] area of drug policy” and  
16 that treatment-based models are proving to be a more effective approach for  
17 dealing with crime associated with substance abuse.

18 (3) In Vermont, felony filings have increased by X percent in the last X  
19 years with more than half of that increase coming from drug-related cases.

20 (4) A felony conviction record is a significant impediment to gaining  
21 and maintaining employment, yet we know that stable employment is an

1 essential element to recovery from substance abuse and desistance of criminal  
2 activity that often accompanies addiction.

3 (5) In a 2014 study by the PEW Research Center, 67 percent of people  
4 polled said government should focus more on providing treatment to people  
5 who use illicit drugs and less on punishment. The Center later reported that  
6 states are leading the way in reforming drug laws to reflect this opinion: State-  
7 level actions have included lowering penalties for possession and use of illegal  
8 drugs, shortening mandatory minimums or curbing their applicability,  
9 removing automatic sentence enhancements, and establishing or extending the  
10 jurisdiction of drug courts and other alternatives to the regular criminal justice  
11 system.

12 (6) Vermont must look at alternative approaches to the traditional  
13 criminal justice model for addressing low-level illicit drug use if it is going to  
14 reduce the effects of addiction and addiction-related crime in this State.

15 Sec. 2 18 V.S.A. § 4233 is amended to read:

16 § 4233. HEROIN

17 (a) Possession.

18 (1) A person knowingly and unlawfully possessing heroin shall be  
19 imprisoned not more than one year or fined not more than \$2,000.00, or both.

20 (2) A person knowingly and unlawfully possessing heroin in an amount  
21 consisting of ~~200 milligrams or more~~ than one gram of one or more

1 preparations, compounds, mixtures, or substances containing heroin shall be  
2 imprisoned not more than five years or fined not more than \$100,000.00, or  
3 both.

4 (3) A person knowingly and unlawfully possessing heroin in an amount  
5 consisting of ~~one gram or more~~ than two grams of one or more preparations,  
6 compounds, mixtures or substances containing heroin shall be imprisoned not  
7 more than 10 years or fined not more than \$250,000.00, or both.

8 (4) A person knowingly and unlawfully possessing heroin in an amount  
9 consisting of ~~two more than five grams or more~~ of one or more preparations,  
10 compounds, mixtures, or substances containing heroin shall be imprisoned not  
11 more than 20 years or fined not more than \$1,000,000.00, or both.

12 \* \* \*

13 Sec. 3. STUDY

14 (a) The Office of Legislative Council shall examine the issue of a public  
15 health approach to low-level possession and use of illicit drugs in Vermont as  
16 an alternative to the traditional criminal justice model, looking to trends both  
17 nationally and internationally, with a goal of providing policymakers a range  
18 of approaches to consider during the 2018 legislative session.

19 (b) The Office of Legislative Council shall report its findings to the  
20 General Assembly on or before November 15, 2017.

1       Sec. 3. EFFECTIVE DATE

2           This act shall take effect on July 1, 2017.

3       and that after passage the title of the bill be amended to read: “An act relating  
4       to alternative approaches to addressing low-level illicit drug use”

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11           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE