Bill as Introduced

HB 1249 - AS INTRODUCED

2001 SESSION

01-2310
09/04

HOUSE BILL ***1249***

AN ACT adopting the model Drug Dealer Liability Act.

SPONSORS: Rep. Clegg, Hills 23; Rep. Soltani, Merr 10; Sen. Johnson, Dist 3; Sen. Eaton, Dist 10

COMMITTEE: Judiciary

ANALYSIS

This bill adopts the model Drug Dealer Liability Act, which has been adopted by the bipartisan American Legislative Exchange Council.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

01-2310
09/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT adopting the model Drug Dealer Liability Act.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Model Drug Dealer Liability Act. Amend RSA by inserting after chapter 318-B the following new chapter:

CHAPTER 318-C

MODEL DRUG DEALER LIABILITY ACT

318-C:1 Title. This chapter may be cited as the Drug Dealer Liability Act.

318-C:2 Purpose. The purpose of this chapter is to:

I. Provide a civil remedy for damages to persons in a community injured as a result of illegal drug use. These persons include parents, employers, insurers, governmental entities, and others who pay for drug treatment or employee assistance programs, as well as infants injured as a result of exposure to drugs in utero ("drug babies"). The chapter will enable them to recover damages from those persons in the community who have joined the illegal drug market.

II. Shift, to the extent possible, the cost of the damage caused by the existence of the illegal drug market in a community to those who illegally profit from that market.

III. Establish the prospect of substantial monetary loss as a deterrent to those who have not yet entered into the illegal drug distribution market.

IV. Establish an incentive for drug users to identify and seek payment for their own drug treatment from those dealers who have sold drugs to the user in the past.

318-C:3 Findings. The legislature finds and declares all of the following:

I. Every community in the country is affected by the marketing and distribution of illegal drugs. A vast amount of state and local resources are expended in coping with the financial, physical, and emotional toll that results from the existence of the illegal drug market. Families, employers, insurers, and society in general bear the substantial costs of coping with the marketing of illegal drugs. Drug babies and parents, particularly those of adolescent illegal drug users, suffer significant non-economic injury as well.

II. Although the criminal justice system is an important weapon against the illegal drug market, the civil justice system can and must also be used. The civil justice system can provide an avenue of compensation for those who have suffered harm as a result of the marketing and distribution of illegal drugs. The persons who have joined the illegal drug market should bear the cost of the harm caused by that market in the community.

III. The threat of liability under this chapter serves as an additional deterrent to a recognizable segment of the illegal drug network. A person who has non-drug related assets, who markets illegal drugs at the workplace, who encourages friends to become users, among others, is likely to decide that the added cost of entering the market is not worth the benefit. This is particularly true for a first-time casual dealer who has not yet made substantial profits. This act provides a mechanism for the cost of the injury caused by illegal drug use to be borne by those who benefit from illegal drug dealing.

IV. This chapter imposes liability against all participants in the illegal drug market, including small dealers, particularly those in the workplace, who are not usually the focus of criminal investigations. The small dealers increase the number of users and are the people who become large dealers. These small dealers are most likely to be deterred by the threat of liability.

V. A parent of an adolescent illegal drug user often expends considerable financial resources, typically in the tens of thousands of dollars, for the child's drug treatment. Local and state governments provide drug treatment and related medical services made necessary by the distribution of illegal drugs. The treatment of drug babies is a considerable cost to local and state governments. Insurers pay large sums for medical treatment relating to drug addiction and use. Employers suffer losses as a result of illegal drug use by employees due to lost productivity, employee drug-related workplace accidents, employer contributions to medical plans, and the need to establish and maintain employee assistance programs. Large employers, insurers, and local and state governments have existing legal staffs that can bring civil suits against those involved in the illegal drug market, in appropriate cases, if a clear legal mechanism for liability and recovery is established.

VI. Drug babies, who are clearly the most innocent and vulnerable of those affected by illegal drug use, are often the most physically and mentally damaged due to the existence of an illegal drug market in a community. For many of these babies, the only hope is extensive medical and psychological treatment, physical therapy, and special education. All of these potential remedies are expensive. These babies, through their legal guardians and through court appointed guardians ad litem, should be able to recover damages from those in the community who have entered and participated in the marketing of the types of illegal drugs that have caused their injuries.

VII.(a) In theory, civil actions for damages for distribution of illegal drugs can be brought under existing law. They are not. Several barriers account for this. Under existing tort law, only those dealers in the actual chain of distribution to a particular user could be sued. Drug babies, parents of adolescent illegal drug users, and insurers are not likely to be able to identify the chain of distribution to a particular user. Furthermore, drug treatment experts largely agree that users are unlikely to identify and bring suit against their own dealers, even after they have recovered, given the present requirements for a civil action.

(b) Recovered users are similarly unlikely to bring suit against others in the chain of distribution, even if they know the user. A user is unlikely to know other dealers in the chain of

distribution. Unlike the chain of distribution for legal products, in which records identifying the parties to each transaction in the chain are made and shared among the parties, the distribution of illegal drugs is clandestine. Its participants expend considerable effort to keep the chain of distribution secret.

VIII. Those involved in the illegal drug market in a community are necessarily interrelated and interdependent, even if their identity is unknown to one another. Each new dealer obtains the benefit of the existing illegal drug distribution system to make illegal drugs available to him or her. In addition, the existing market aids a new entrant by the prior development of people as users. Many experts on the illegal drug market agree that all participants are ultimately likely to be indirectly related. That is, beginning with any one dealer, given the theoretical ability to identify every person known by that dealer to be involved in illegal drug trafficking, and in turn each of such others know to them, and so on, the illegal drug market in a community would ultimately be fully revealed.

IX. Market liability has been created with respect to legitimate products by judicial decision in some states. It provides for civil recovery by plaintiffs who are unable to identify the particular manufacturer of the product that is claimed to have cause them harm, allowing recovery from all manufacturers of the product who participated in that particular market. The market liability theory has been shown to be destructive of market initiative and product development when applied to legitimate markets. Because of its potential for undermining markets, this chapter expressly adopts a legislatively crafted form of liability for those who intentionally join the illegal drug market. The liability established by this chapter grows out of, but is distinct from, existing judicially crafted market liability.

X. The prospect of a future suit for the costs of drug treatment may drive a wedge between prospective dealers and their customers by encouraging users to turn on their dealers. Therefore, liability for those costs, even to the user, is imposed under this chapter as long as the user identifies and brings suit against his or her own dealers.

XI. Allowing dealers who face a civil judgment for their illegal drug marketing to bring suit against their own sources for contribution may also drive a wedge into the relationships among some participants in the illegal drug distribution network.

XII. While not all persons who have suffered losses as a result of the marketing of illegal drugs will pursue an action for damages, at least some individuals, guardians of drug babies, government agencies that provide treatment, insurance companies, and employers will find such an action worthwhile. These persons deserve the opportunity to recover their losses. Some new entrants to retail illegal drug dealing are likely to be deterred even if only a few of these suits are actually brought.

318-C:4 Definitions. As used in this chapter:

I. "Illegal drug" means a drug whose distribution is a violation of RSA 318-B or other state law.

II. "Illegal drug market" means the support system of illegal drug related operations, from production to retail sales, through which an illegal drug reaches the user.

III. "Illegal drug market target community" is the area described under RSA 318-C:9.

IV. "Individual drug user" means the individual whose illegal drug use is the basis of an action brought under this chapter.

V. "Level 1 offense" means possession of 1/4 ounce or more, but less than 4 ounces, or distribution of less than one ounce of a specified illegal drug or possession of one pound or 25 plants or more, but less than 4 pounds or 50 plants, or distribution of less than one pound of marijuana.

VI. "Level 2 offense" means possession of 4 ounces or more, but less than 8 ounces, or distribution of one ounce or more, but less than 2 ounces, of a specified illegal drug or possession of 4 pounds or more or 50 plants or more, but less than 8 pounds or 75 plants, or distribution of more than one pound, but less than 5 pounds, of marijuana.

VII. "Level 3 offense" means possession of 8 ounces or more, but less than 16 ounces, or distribution of 2 ounces or more, but less than 4 ounces, of a specified illegal drug or possession of 8 pounds or more or 75 plants or more, but less than 16 pounds or 100 plants, or distribution of more than 5 pounds, but less than 10 pounds, of marijuana.

VIII. "Level 4 offense" means possession of 16 ounces or more or distribution of 4 ounces or more of a specified illegal drug or possession of 16 pounds or more or 100 plants or more or distribution of 10 pounds or more of marijuana.

IX. "Participate in the illegal drug market" means to distribute, possess with an intent to distribute, commit an act intended to facilitate the marketing or distribution of, or agree to distribute, possess with an intent to distribute, or commit an act intended to facilitate the marketing and distribution of an illegal drug. "Participate in the illegal drug market" does not include the purchase or receipt of an illegal drug for personal use only.

X. "Person" means an individual, governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association, existing under or authorized by the laws of this state, another state, or foreign country.

XI. "Period of illegal drug use" means, in relation to the individual drug user, the time of the individual's first use of an illegal drug to the accrual of the cause of action. The period of illegal drug use is presumed to commence 2 years before the cause of action accrues unless the defendant proves otherwise by clear and convincing evidence.

XII. "Place of illegal drug activity" means, in relation to the individual drug user, each house of representatives' legislative district in which the individual possesses or uses an illegal drug or in which the individual resides, attends school, or is employed during the period of the individual's illegal drug use, unless the defendant proves otherwise by clear and convincing evidence.

XIII. "Place of participation" means, in relation to a defendant in an action brought under this chapter, each house of representatives' legislative district in which the person participates in the illegal drug market or in which the person resides, attends school, or is employed during the period of the person's participation in the illegal drug market.

XIV. "Specified illegal drug" means cocaine, heroin, or methamphetamine and any other drug the distribution of which is a violation of RSA 318-B or other state law.

318-C:5 Liability for Participation in the Illegal Drug Market.

I. A person who knowingly participates in the illegal drug market within this state is liable for civil damages as provided in this chapter. A person may recover damages under this chapter for injury resulting from an individual's use of an illegal drug.

II. A law enforcement officer or agency, the state, or a person acting at the direction of a law enforcement officer or agency or the state is not liable for participating in the illegal drug market, if the participation is in furtherance of an official investigation.

318-C:6 Recovery of Damages.

I. One or more of the following persons may bring an action for damages caused by an individual's use of an illegal drug:

(a) A parent, legal guardian, child, spouse, or sibling of the individual drug user.

(b) An individual who was exposed to an illegal drug in utero.

(c) An employer of the individual drug user.

(d) A medical facility, insurer, governmental entity, employer, or other entity that funds a drug treatment program or employee assistance program for the individual drug user or that otherwise expended money on behalf of the individual drug user.

(e) A person injured as a result of the willful, reckless, or negligent actions of an individual drug user.

II. A person entitled to bring an action under this section may seek damages from one or more of the following:

(a) A person who knowingly distributed, or knowingly participated in the chain of distribution of an illegal drug that was actually used by the individual drug user.

(b) A person who knowingly participated in the illegal drug market if:

(1) The place of illegal drug activity by the individual drug user is within the illegal drug market target community of the defendant; and

(2) The defendant's participation in the illegal drug market was connected with the same type of illegal drug used by the individual drug user; and

(3) The defendant participated in the illegal drug market at any time during the individual drug user's period of illegal drug use.

III. A person entitled to bring an action under this section may recover all of the following damages:

(a) Economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, accidents or injury, and any other pecuniary loss proximately caused by the illegal drug use.

(b) Non-economic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services and consortium, and other non-pecuniary losses proximately caused by an individual's use of an illegal drug.

(c) Exemplary damages.

(d) Reasonable attorney fees.

(e) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

318-C:7 Limited Recovery of Damages.

I. An individual drug user shall not bring an action for damages caused by the use of an illegal drug, except as otherwise provided in this paragraph. An individual drug user may bring an action for damages caused by the use of an illegal drug only if all of the following conditions are met:

(a) The individual personally discloses to narcotics enforcement authorities, more than 6 months before filing the action, all of the information known to the individual regarding all that individual's sources of illegal drugs;

(b) The individual has not used an illegal drug within the 6 months before filing the action; and

(c) The individual continues to remain free of the use of an illegal drug throughout the pendency of the action.

II. A person entitled to bring an action under this section may seek damages only from a person who distributed, or is in the chain of distribution of, an illegal drug that was actually used by the individual drug user.

III. A person entitled to bring an action under this section may recover only the following damages:

(a) Economic damages, including, but not limited to, the cost of treatment, rehabilitation, and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the person's illegal drug use.

(b) Reasonable attorney fees.

(c) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

318-C:8 Third Party Cases. A third party shall not pay damages awarded under this chapter, or provide a defense or money for a defense, on behalf of an insured under a contract of insurance or indemnification.

318-C:9 Illegal Drug Market Target Community. A person whose participation in the illegal drug market constitutes the following level offense shall be considered to have the following illegal drug market target community:

I. For a level 1 offense, the house of representatives' legislative district in which the defendant's place of participation is situated;

II. For a level 2 offense, the target community described in paragraph I plus all house of representative's legislative districts with a border contiguous to that target community;

III. For a level 3 offense, the target community described in paragraph II plus all house of representatives' legislative districts with a border contiguous to that target community;

IV. For a level 4 offense, the state.

318-C:10 Joinder of Parties.

I. Two or more persons may join in one action under this chapter as plaintiffs if their respective actions have at least one place of illegal drug activity in common and if any portion of the period of illegal drug use overlaps with the period of illegal drug use for every other plaintiff.

II. Two or more persons may be joined in one action under this chapter as defendants if those persons are liable to at least one plaintiff.

III. A plaintiff need not be interested in obtaining and a defendant need not be interested in defending against all the relief demanded. Judgment may be given for one or more plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.

318-C:11 Comparative Responsibility.

I. An action by an individual drug user is governed by the principles of comparative responsibility. Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.

II. The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.

III. Comparative responsibility shall not be attributed to a plaintiff who is not an individual drug user.

318-C:12 Contribution Among and Recovery from Multiple Defendants. A person subject to liability under this chapter has a right of action for contribution against another person subject to liability under this chapter. Contribution may be enforced either in the original action or by a separate action brought for that purpose. A plaintiff may seek recovery in accordance with this chapter and existing law against a person whom a defendant has asserted a right of contribution.

318-C:13 Standard of Proof; Effect of Criminal Drug Conviction.

I. Proof of participation in the illegal drug market in an action brought under this chapter shall be shown by clear and convincing evidence. Except as otherwise provided in this chapter, other elements of the cause of action shall be shown by a preponderance of the evidence.

II. A person against whom recovery is sought who has a criminal conviction pursuant to RSA 318-B or other state drug laws or the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law 91-513, 84 Stat. 1236, codified at 21 U.S.C. 801 et seq., is estopped from denying participation in the illegal drug market. Such a conviction is also prima facie evidence of the person's participation in the illegal drug market during the 2 years preceding the date of an act giving rise to a conviction.

III. The absence of a criminal drug conviction of a person against whom recovery is sought does not bar an action against that person.

318-C:14 Prejudgment Attachment and Execution on Judgments.

I. A plaintiff under this chapter, subject to paragraph III, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award or if the defendant posts a bond sufficient to cover a potential award.

II. A person against whom a judgment has been rendered under this chapter is not eligible to exempt any property, of whatever kind, from process to levy or process to execute on the judgment.

III. Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

318-C:15 Statute of Limitations.

I. Except as otherwise provided in this section, a claim under this chapter shall not be brought more than 2 years after the cause of action accrues. A cause of action accrues under this chapter when a person who may recover has reason to know of the harm from illegal drug use that is the basis for the cause of action and has reason to know that the illegal drug use is the cause of the harm.

II. For a plaintiff, the statute of limitations under this section is tolled while the individual potential plaintiff is incapacitated by the use of an illegal drug to the extent that the individual cannot reasonably be expected to seek recovery under this chapter or as otherwise provided by law. For a defendant, the statute of limitations under this section is tolled until 6 months after the individual potential defendant is convicted of a criminal drug offense or as otherwise provided by law.

III. The statute of limitations under this chapter for a claim based on participation in the illegal drug market that occurred prior to the effective date of this chapter does not begin to run until the effective date of this chapter.

318-C:16 Representation of Governmental Entities: Stay of Action.

I. A prosecuting attorney may represent the state or a political subdivision of the state in an action brought under this chapter.

II. On motion by a governmental agency involved in a drug investigation or prosecution, an action brought under this chapter shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action.

318-C:17 Effect on Existing Laws. The provisions of this chapter are not intended to alter the law regarding intra-family tort immunity.

318-C:18 Severability. If any provision of this chapter or the application of any provision to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to any other person or circumstance shall not be affected by that invalidation.

2 Effective Date. This act shall take effect January 1, 2003.

Amendments

Rep. L. Jean, Hills. 17
February 5, 2002
2002-2437h
09/03

Amendment to HB 1249

Amend RSA 318-C:14 as inserted by section 1 of the bill by replacing it with the following:

318-C:14 Prejudgment Attachment and Execution on Judgments.

I. A plaintiff under this chapter, subject to paragraph II, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant demonstrates that the assets will be available for a potential award or if the defendant posts a bond sufficient to cover a potential award.

II. Any assets sought to satisfy a judgment under this chapter that are named in a forfeiture action or have been seized for forfeiture by any state or federal agency may not be used to satisfy a judgment unless and until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Speakers

Fill in *ONLY* if *SPEAKING* on Bill

Bill # 1245 Date Wednesday 23 January 02

Committee Judiciary

I support the bill ____
I oppose the bill ____
(after vacancy to be checked by Chairman)

I have written testimony ⟶

(Number of ~~copies~~ this) = one

Time needed to speak: ≅ 2 minutes

Name Joe Hart

Address P.O. Box 218
Ashland, Neb. 68003

e-mail = Joseph5Hart@valleyalley.com

Phone

Representing myself as a founder of VOZMC, Inc.

* Victims of a Corrupt American Legal System

Why aren't the Judges doing their job!?

Psych. 651: 63
Restitution

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1249 Date January 23, 2002

Committee Judiciary

**** Please Print All Information ****

Name	Address	Phone	Representing	(check one) Pro	Con
Sen. Tom Eaton	Keene		Dist 10	✓	
Jennifer Farrell	Concord			✓	

Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1249

BILL TITLE: adopting the model Drug Dealer Liability Act.

DATE: January 23, 2002

LOB ROOM: 208 **Time Public Hearing Called to Order:** 9:42 a.m.

Time Adjourned: 10:50 a.m.

(please circle if present)

Committee Members: Reps. Mock, L. Jean, Jacobson, Bergin, Rowe, Ford, Dudley, Soltani, P. Woods, Rice, Leishman, Elliott, Reid, Wall, J. Pratt, Craig, J. Wood, Potter, Espiefs and Franklin

Bill Sponsors: Rep. Clegg, Rep. Soltani; Sen. Johnson, Sen. Eaton

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

NOTE: This Public Hearing was presided over by Rep. L. Jean, Vice Chairman.

Rep. Clegg, prime sponsor – supports

- Introduced the bill
- It is model legislation from the American Legislative Exchange Council and provides civil penalties for drug dealers and their effects on society
- A parent can sue for the effects that drugs have on their children
- In order to sue, a person must give up their dealer, must stay drug-free for six months
- The bill uses the federal model for seizing assets
- The state can sue a drug dealer
- Workplaces can sue employees who are dealing drugs for lost productivity
- Hospitals and municipalities can also sue
- Drug dealers often roll over on their suppliers, but it never goes to the top of the cartel
- It is his hope that this act would replace the federal government's position in receiving the seized assets for distribution
- Questions were asked by Reps. Jean, Woods, Franklin, Craig, Elliott, and Potter

Rep. Soltani – supports

- Market share of legal liability, meaning that if there are multiple drug companies all producing the same drug, they are assessed a proportion of the total liability based on their market percentage. As an example, three manufacturers of aspirin – one company may have 50% liability, and the other two would each have 25%.
- Market share affects the whole chain based on their percentage of the community they affect. If you are a statewide drug dealer, you are responsible for the whole state; if you are a county drug dealer, you are assessed only for that county.
- There are two criteria you have to meet before bringing a lawsuit. The first is that you have to be drug-free for six months. The second is that you have to be an informant.

- In order to recover, the clean hands doctrine applies
- 14 states have passed the legislation. New York removed market share from the bill. NH has adopted the Michigan Penal Codes, which this legislation is based upon. NH courts, in deciding a case where there is no NH precedent, first looks at Michigan.
- Under the Consumer Protection Act, people have the right to recover their costs.He compares this to a consumer protection act.
- Questions were asked by Reps. Jean, Bergin, Franklin, Woods, Craig, Ford, and Elliott.

*Joe Haas
- Page 8, Lines 18-20, seem to remove the homestead exemption. A person would be able to collect additional funds because of that.
- No questions were asked.

Jennifer Farrell, NH Trial Lawyers – supports
- She came into state that the NH Trial Lawyers support the Model Drug Act and that she would be willing to work with us if we have any questions
- No questions were asked.

Pink Cards:
- Rep. Robert Clegg, prime sponsor. Supports the bill.
- Rep. Tony Soltani, sponsor. Supports the bill.
- Joseph Haas, P.O. Box 218, Ashland, NH 03217, representing himself and as a founder of VOCALS, Inc. (Victims of a Corrupt American Legal System). Original pink card in file because of comments on reverse. Supports the bill.
- Jennifer Farrell, representing NH Trial Lawyers, 280 Pleasant Street, Concord, NH, 224-7077. Supports the bill.

Respectfully submitted,

Rep. Larry G. Elliott
Assistant Committee Clerk

Testimony

Howard L.Wilson
POBox 91
Andover,NH 03216
735-5427
stoneanarch@tds.net

Judiciary Committee
208 LOB 9:30AM January 23,2002

Re: HB 1249

It is a sad commentary on the agenda of government,that approx 110 years ago all the "drugs" now considered Unlawful,or criminal (to both sell & consume),were readily available as over-the-counter medications,or as uncommon weeds. Yet,in the intervening time frame gradually,governments (States and our,Oh,so benevolent,Federal government),have been seen to "know" with absolute certainty,that certain "drugs" are both harmful and should not be regulated or taxed. Although when usage was proposed,derived through testing,for usage as a curative or palliative,against disease or pain,only limited grant was made (mostly to the opium derivatives: Heroin and morphine),and then only with strict regulation.Sadly,even for the useful drug,Heroin,non-medical use,leads,by a convoluted road,to addiction and criminal action to obtain more. Morphine,is not abused as much and can still be found in strict government regulated medical use.

Why not the same for the other,and current "abused",drugs? Mostly for the ease of access to them,and the difficulty of restraining growth and "refinement",prior to marketting. And,to add insult to injury,when medical use is developed,it is forbidden,as taxation and regulation are forbidden,due solely to thier now current illegal status.Even when they can be medically useful.

It were my preference that HB 1249 be found Inexpedient to Legislate.

For Liberty,

Howard L. Wilson

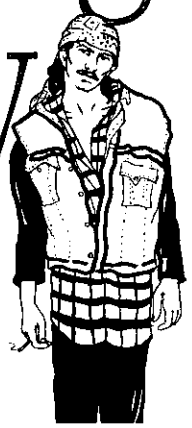
THE LIBERTARIAN PARTY



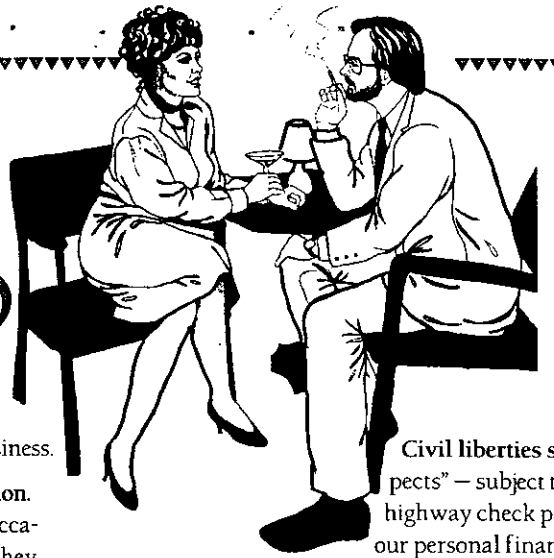
Towards A More Sensible Drug Policy



Drug abuse is a tragedy and a sickness. Here's how we can start making the problem better – instead of worse.



Should America Re-Legalize Drugs?



Some Americans will always use alcohol, tobacco, marijuana or other drugs, but most are social drinkers or occasional users.

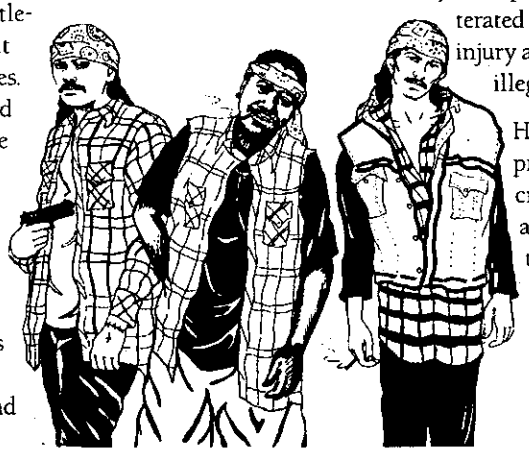
Libertarians, like most Americans, demand to be safe at home and on the streets. Libertarians would like all Americans to be healthy and free of drug dependence. But drug laws don't help, they make things worse.

The professional politicians scramble to make names for themselves as tough anti-drug warriors, while the experts agree that the "war on drugs" has been lost, and could never be won. The tragic victims of that war are your personal liberty and its companion, responsibility. It's time to consider the re-legalization of drugs.

The Lessons Of Prohibition

In the 1920's, alcohol was made illegal by Prohibition. The result: Organized Crime. Criminals jumped at the chance to supply the demand for liquor. The streets became battlegrounds. The criminals bought off law enforcement and judges. Adulterated booze blinded and killed people. Civil rights were trampled in the hopeless attempt to keep people from drinking.

When the American people saw what Prohibition was doing to them, they supported its repeal. When they succeeded, most states legalized liquor and the criminal gangs were out of the liquor business.



Today's war on drugs is a rerun of Prohibition. Approximately 40 million Americans are occasional, peaceful users of some illegal drug. They are no threat to anyone. They are not going to stop. The laws don't, and can't, stop drug use.

Organized Crime Makes Huge Profits

Whenever there is great demand for a product and government makes it illegal, a black market always appears to supply the demand. The price of the product rises dramatically and the opportunity for huge profits is obvious. The criminal gangs love the situation, making millions. They kill other drug dealers, along with innocent people caught in the crossfire, to protect their territory. They corrupt police and courts. Pushers sell adulterated dope and experimental drugs, causing injury and death. And because drugs are illegal, their victims have no recourse.

Half the cost of law enforcement and prisons is squandered on drug related crime. Of all drug users, a relative few are addicts who commit crimes daily to supply artificially expensive habits.

Criminal gangs love Drug Prohibition, since it helps them make millions of dollars in profits.

Civil liberties suffer. We are all "suspects" — subject to random urine tests, highway check points and spying into our personal finances. Your property can be seized without trial, if the police merely claim you got it with drug profits. Doing business with cash makes you a suspect. America is becoming a police state because of the war on drugs.

America Can Handle Legal Drugs

Today's illegal drugs were legal before 1914. Cocaine was even found in the original Coca-Cola recipe. Americans had few problems with cocaine, opium, heroin or marijuana. Drugs were inexpensive; crime was low. Most users handled their drug of choice and lived normal, productive lives. Addicts out of control were a tiny minority.

The first laws prohibiting drugs were racist in origin — to prevent Chinese laborers from using opium and to prevent blacks and Hispanics from using cocaine and marijuana. **That was unjust and unfair, just as it is unjust and unfair to make criminals of non-violent drug users today.**

Some Americans will always use alcohol, tobacco, marijuana or other drugs. Most are not addicts, they are social drinkers or occasional users. Legal drugs would be inexpensive, so even addicts could support their habits with honest work, rather than by crime. Organized crime would be deprived of

its profits. The police could return to protecting us from real criminals; and there would be room enough in existing prisons for them.

Try Personal Responsibility

It's time to re-legalize drugs and let people take responsibility for themselves. Drug abuse is a tragedy and a sickness. Criminal laws only drive the problem underground and put money in the pockets of the criminal class. With drugs legal, compassionate people could do more to educate and rehabilitate drug users who seek help.

Drugs should be legal. Individuals have the right to decide for themselves what to put in their bodies, so long as they take responsibility for their actions.

From the Mayor of Baltimore, Kurt Schmoke, to conservative writer and TV personality, William F. Buckley, Jr., leading Americans are now calling for repeal of America's repressive and ineffective drug laws. The Libertarian Party urges you to join in this effort to make our streets safer and our liberties more secure.

About the Libertarian Party

The Libertarian Party is America's third largest political party. Its platform advocates individual liberty and responsibility, respect for the Bill of Rights, free enterprise, free trade, and no meddling overseas. Want to learn about other innovative Libertarian solutions to America's most pressing problems? Use the attached coupon to request more information -- or to become a member of the Libertarian Party!

YOUR NEW CHOICE IN POLITICS

JOIN THE LIBERTARIAN PARTY!

❑ **YES! I want to become a member of the Libertarian Party.** I have enclosed $25. I'll receive 12 monthly issues of *LP News* and a membership card.

The Libertarian Party is the party of principle. To publicly affirm what we believe—and to ensure that our party never strays from our principles—we ask our members to proudly sign this statement:

➢ **I do not believe in or advocate the *initiation* of force as a means of achieving political or social goals.**

SIGNATURE REQUIRED FOR MEMBERSHIP ONLY

❑ **More information.** Please send me a complete information package about the Libertarian Party.

NAME

ADDRESS

CITY STATE ZIP

HOME PHONE WORK PHONE

EMPLOYER OCCUPATION

Total payment enclosed $

❑ Check/money order enclosed. *(No corporate checks, please.)*
Or: Please bill my ❑ Visa ❑ MasterCard.

ACCT. # EXPIRES

SIGNATURE FOR CREDIT CARD PAYMENT

Please make checks payable to:

THE LIBERTARIAN PARTY
2600 Virginia Avenue, NW, Suite 100 ◆ Washington DC 20037
Telephone: (202) 333-0008

To request an information package or to join immediately:

1-800-ELECT-US
www.lp.org

Federal law requires political committees to report the name, mailing address, and occupation and name of employer for each individual whose contributions aggregate in excess of $200 in a calendar year. Political contributions are not tax deductible.

SOURCE CODE: 01206

Voting Sheets

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1249

BILL TITLE: **adopting the model Drug Dealer Liability Act.**

DATE: February 5, 2002

LOB ROOM: 208

Amendments:

Sponsor: Rep. L. Jean	OLS Document #:	2002	2437h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Jean **ADOPT AMENDMENT #2437h ONLY**

Seconded by Rep. Elliott

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Soltani

Seconded by Rep. Jean

Vote: 10-8 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Terri C. Dudley, Clerk

OFFICE OF THE HOUSE CLERK

2001 SESSION

:DICIARY

il #: 1249 Title: adopting the model Drug Dealer Liability Act

H Date: 01/23/2002 Exec Session Date: 02/05/2002

lotion: Adopt Amendment ONLY Amendment #: 2002-2437h

MEMBER	YEAS	NAYS
lock, Henry P, Chairman	✓	
:an, Loren J, Vice Chairman	✓	
:cobson, Alf E	✓	
ergin, Peter F	~~AB~~	
.owe, Robert H	✓	
ord, Nancy M	✓	
)udley, Terri C	✓	
oltani, Tony F	✓	
Voods, Phyllis L	✓	
Rice, Thomas	✓	
.eishman, Peter R	✓	
Elliott, Larry G	✓	
Reid, Christopher P	✓	
Wall, Janet G	✓	
Pratt, John M	✓	
Craig, James W	✓	
Wood, Jane	~~AB~~	
Potter, Frances D	✓	
Espiefs, Peter S	✓	
Franklin, Peter E	✓	
TOTAL VOTE:	18	0

Printed: 12/27/2000

OFFICE OF THE HOUSE CLERK

2001 SESSION

:DICIARY

il #: 1249 Title: Drug Dealer liability act

H Date: 01/23/2002 Exec Session Date: 02/05/2002

lotion: OTP/A Amendment #: 2002-2437h

MEMBER	YEAS	NAYS
lock, Henry P, Chairman	✓	
:an, Loren J, Vice Chairman	✓	
icobson, Alf E		✓
ergin, Peter F	—	
owe, Robert H	✓	
ord, Nancy M		✓
)udley, Terri C	✓	
oltani, Tony F	✓	
Voods, Phyllis L	✓	
Rice, Thomas	✓	
.eishman, Peter R		✓
Elliott, Larry G	✓	
Reid, Christopher P		✓
Wall, Janet G	✓	
Pratt, John M		✓
Craig, James W	✓	
Wood, Jane	—	
Potter, Frances D		✓
Espiefs, Peter S		✓
Franklin, Peter E		✓
TOTAL VOTE:	10	8

Printed: 12/27/2000

Committee Report

COMMITTEE REPORT

COMMITTEE: **Judiciary**

BILL NUMBER: **HB 1249**

TITLE: adopting the model Drug Dealer Liability Act.

DATE: February 5, 2002 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This uniform act has been adopted in several states. This bill provides a right of action against illegal drug dealers. Innocent bystanders have been harmed or have incurred damages as a result of illegal drug trafficking. The drug dealers' assets will be exposed to loss and they may be sued by hospitals, accident or crime victims, and rescue and emergency response systems, according to the volume of illegal drugs sold by the offender. In states utilizing this act, the results have been favorable to the victims and unfortunate for the drug dealers. This bill fights drug activity without using government resources.

Vote 10-9.

Rep. Tony F. Soltani
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Judiciary

HB 1249, adopting the model Drug Dealer Liability Act. **OUGHT TO PASS WITH AMENDMENT** Rep. Tony F. Soltani for Judiciary: This uniform act has been adopted in several states. This bill provides a right of action against illegal drug dealers. Innocent bystanders have been harmed or have incurred damages as a result of illegal drug trafficking. The drug dealers' assets will be exposed to loss and they may be sued by hospitals, accident or crime victims, and rescue and emergency response systems, according to the volume of illegal drugs sold by the offender. In states utilizing this act, the results have been favorable to the victims and unfortunate for the drug dealers. This bill fights drug activity without using government resources. **Vote 10-9.**