

# TOM UMBERG

SENATOR, 34<sup>TH</sup> SENATE DISTRICT

## SB 21: Alexandra's Law



**PRINCIPAL CO-AUTHORS:** Senator Ochoa Bogh & Assemblymember Pacheco

**SENATE CO-AUTHORS:** Alvarado-Gil, Archuleta, Ashby, Dahle, Dodd, Glazer, Grove, Jones, Niello, Seyarto, Wilk

**ASSEMBLY CO-AUTHORS:** Chen, Flora, Nguyen, Petrie-Norris, Rubio

### SUMMARY

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Senate Bill 44 (Alexandra's Law) will require that a written advisory or admonishment be issued to a person convicted of a fentanyl-related drug offense notifying the person of the danger of manufacturing and distributing controlled substances and of potential future criminal liability if another person dies as a result of that person's actions. It will also require that a fentanyl-related defendant be referred to drug court or drug treatment programs, if applicable.

### BACKGROUND/EXISTING LAW

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With respect to deaths resulting from DUIs, the **California Supreme Court** held in *People v. Watson (1981)*, 30 Cal.3d 290, 298, in affirming a second-degree murder conviction, that "when the conduct in question can be characterized as a wanton disregard for life, and the facts demonstrate a subjective awareness of the risk created, malice may be implied."

To codify this notion, **California Vehicle Code §23593** was implemented in 2004 to require that courts read an admonishment to anyone convicted of reckless driving or Driving Under the Influence (DUI) to inform them of the state's ability and intent to charge a repeated future offense with manslaughter or murder.

**California Health & Safety Codes §§11351-11352** make it unlawful to sell, traffic, or transport specified opiates.

### NEED FOR THE BILL

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Sadly, synthetic opioids were responsible for the majority of drug related deaths in 2021. Specifically, fentanyl was the number one cause of death last year for people ages 18-45, outpacing suicides and COVID-19.

Fentanyl causes a fatality every 7 minutes, and is linked to 64% of total drug fatalities.

It is believed that fentanyl-specific admonishments have been individually adopted by at least 38 out of California's 58 counties.

### SOLUTION

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SB 44 introduces the California Fentanyl Admonishment, otherwise known as Alexandra's Law, modeled after the state's current DUI Advisory.

The admonishment required by SB 44 will help law enforcement and prosecutors establish implied malice in cases of drug-induced death resulting from fentanyl sold or furnished by a previously-convicted dealer or trafficker.

The mechanism created in SB 21 also seeks to maximize both drug treatment and rehabilitation opportunities for Californians involved in the drug trade.

### CONTACT

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Jackie Koenig  
[Jackie.Koenig@sen.ca.gov](mailto:Jackie.Koenig@sen.ca.gov)  
(916) 651-4034

## **SUPPORT**

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San Diego Mayor Todd Gloria (Sponsor)  
Arcadia Peace Officers Association  
Burbank Peace Officers Association  
California Catholic Conference  
California Reserve Peace Officers Association  
City of Villa Park  
Claremont Peace Officers Association  
Corona Peace Officers Association  
Culver City Peace Officers Association  
Deputy Sheriffs Association of Monterey County  
DUID Victim Voices  
Fullerton Peace Officers Association  
High Truths on Drugs and Addiction  
Murrieta Peace Officers Association  
Newport Beach Police Association  
Novato Peace Officers Association  
Orange County Sheriff Don Barnes  
Palos Verdes Peace Officers Association  
Placer County Deputy Sheriffs Association  
Pomona Peace Officers Association  
Riverside County Supervisor, Karen Spiegel  
Riverside Peace Officers Association  
San Francisco Mayor, London Breed  
Santa Ana Peace Officers Association  
Upland Peace Officers Association