

503-7575263 Kurt Johnson
swingoutpax@yghood.com

Thank you, my name is Kurt Johnson and I am here to comment on HB 2797. *focus only on Salys road trip*

in Death/Sobriety & a July
RICHIE'S STORY:

On Sept 25th, 2017, I found our son Richie passed away from an accidental drug overdose. *photo of*
This is a photo of Richie and a his ashes urn in our living room so panel members are clear about where a victim can end up. *Ed his photo at Granddaddy's house - it is tucked away with pink fuzzy and vomit and bubbles coming from his nostrils + took the sheet*

We went through the process of waiting 8 months for the toxicology report. It was ruled to be "ACCIDENTAL METHADONE INTOXICATION". He was a recovering Oxiconten user who had been clean for 1.5 years but had relapsed due to a broken hand injury from riding his BMX bike. He was sold liquid methadone by a dealer friend. He was never a methadone user for heroin addiction. He was not just another junkie. Methadone is synthetic heroin which will kill you just as dead as heroin or fentanyl when used unsupervised. His dealer knew this.

In June 2018 his case was forwarded to the MCDA office who told me that the most Oregon State law could provide for sentencing is 12 months. This angered me. I then directed his case be walked across the hallway and presented to the US Attny office. His case is now with them and continues to be under investigation for prosecution under the "Len Bias" law which provides for a 20 years to life sentence for Schedule 2 Methadone sale that causes either severe injury or death on the first instance. This is a POWERFUL tool for prosecutors to induce offenders to cooperate and provide information. *new bridge of Chief Enforcement - but that state has statute would allow this statute to exist in the first place*

In my opinion

As written, HB 2797 is a deeply flawed and inadequate bill for the following reasons:

SPECTRUM:

1. It does not provide for the entire spectrum of dangerous drugs. It only provides for the "BIG 4" drugs: Heroin, Meth, Cocaine, Exctasy
2. It does not address Fentanyl, Methadone, PCP, LSD or the other schedule 2, 3, 4 and 5 substances, including Marijuana derivatives.
3. In it's wording it does not provide for "SEVERE INJURY" (such as brain damage or permanent vegetative state) resulting from delivery and usage of such substances

SENTENCING:

1. The recommended sentence of 5-12 years is wholly inadequate for the nature of ~~the~~ ^{These} crimes and outcomes.
2. 5-12 years is a slap on the hand and is nothing more than a "Cost of Doing Business" sentence.
3. 5-12 years provides no incentive for suspects to provide prosecutors with further evidence.
4. This fails to provide prosecutors with the tools necessary to provide a true deterrence for anyone thinking of doing this.
5. A minimum sentence of 20 years to life with a charge of "Murder/Manslaughter By Drugs" would be far more effective for prosecutors to have available.

EXAMPLES:

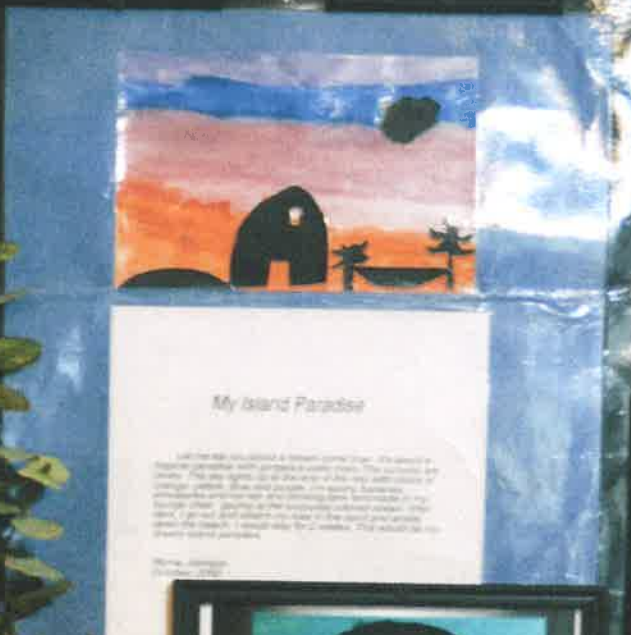
I am providing several examples for the panel to consider:

1. 20 other states have instituted "Murder By Drug Laws". I have included an article on this.
EXCEPT
2. The state of Wisconsin is a model example for instituting its own "Len Bias" law. I have included an article on this.
EXCEPT
3. As of 2013, Oregon is the state with the highest number of convictions under the "Len Bias" law. I have included an article on this.
EXCEPT
4. Federal drug sentencing guidelines under the "Len Bias" law. I have included the chart.

CONCLUSION: As presently written, HB 2797 is wholly inadequate as to providing prosecutors with the real tools they need to deter drug dealer in the State of Oregon. This is both in terms of addressing the full spectrum of dangerous drug sales with resulting severe injury and death along with sentencing lengths. I most strongly suggest the panel rewrite this bill to mirror federal sentencing guidelines and other states "Murder By Drug" laws and address the FULL spectrum of dangerous drugs and resulting severe injuries and deaths. Give prosecutors the REAL deterrence tools and law they need to get these people off the street and bring REAL justice to the victims who suffer as a result. Do not create something that is a half-measure at best. As written HB 2797 is nothing more than a slap on the wrist and a cost of doing business sentence which will be ignored by drug dealers. At best it's a first step. It's up to you to give it some REAL TEETH. Thank you.



RICHIE JOHNSON
NOW AT PEACE
JULY 1990-SEPT 2017



My Island Paradise

Let the day you visit a beach come back to you. It's about the feeling of the sand under your feet, the smell of the ocean, the sound of the waves crashing against the shore. It's about the feeling of being in a place that is so beautiful, so peaceful, so relaxing. It's about the feeling of being in a place that is so close to your heart, so close to your soul. It's about the feeling of being in a place that is so close to your home, so close to your family, so close to your friends. It's about the feeling of being in a place that is so close to your life, so close to your love, so close to your dreams. It's about the feeling of being in a place that is so close to your heart, so close to your soul, so close to your home, so close to your family, so close to your friends, so close to your life, so close to your love, so close to your dreams.

...you get discouraged because... will
 ...my fingerprints on furniture and walls
 ...in growing up and soon I'll be so tall
 ...handprints will be hard to recall
 ...handprint
 ...you can say
 ...how my fingers looked

NAME
 1996



WISCONSIN -- Prosecutors charged a man with homicide after he reportedly provided a heroin dose that led to the death of the man who bought - and later shared - his own drugs.

Police say that man, Mark Gliszinski, has been charged under Wisconsin's "Len Bias Law," a law that is being used more and more now that the heroin epidemic is claiming more lives.

Mark Gliszinski of Milwaukee has been charged with First Degree Reckless Homicide under Wisconsin's Len Bias law, which holds drug dealers accountable in cases involving fatal drug overdoses.

Twenty states now have so-called "drug-induced homicide" laws that carry the same sentences as murder and manslaughter, according to the Drug Policy Alliance, a nonprofit drug policy organization based in New York.

Federal law has included a penalty of 20 years to life in prison for providing drugs that cause fatal overdoses since Congress passed the Anti-Drug Abuse Act of 1986, spurred by the cocaine overdose death of basketball star Len Bias that year.

Oregon Leads U.S. In "Len Bias" Drug-Overdose Prosecutions

By | June 26, 2013

Oregon leads the nation in using a "Len Bias" law as a weapon against major drug traffickers, The Oregonian reports. After someone dies of an overdose, investigators threaten all those in the supply chain with a 20-year sentence if they don't lead to the next link. The tactic, pioneered by Oregon federal prosecutor Kathleen Bickers, could be seen in action this month in federal court in Portland. Oregon has had 40 Len Bias prosecutions. Bickers regularly trains state and federal prosecutors. The prosecutions, she said, reach past the first- and second-tier dealers to "those traffickers who believe they remain Teflon at the top of the organization." Heroin traffickers in particular, she said, are suddenly finding "an alarming number of their own people" willing to talk. Bias was a [University of Maryland](#) basketball star who died in 1986 of a cocaine overdose.

Federal Drug Penalties

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$4 million if an individual, \$10 million if not an individual. Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual. 2 or More Prior Offenses: Life imprisonment
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture	100 gm or more pure or 1 kg or more mixture		
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual		
Flunitrazepam (Schedule IV)	1 gm or more			
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual		
Flunitrazepam (Schedule IV)	30 to 999 mgs			
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.		

Flunitrazepam (Schedule IV)	Less than 30 mgs	Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

DRUG	QUANTITY	1 st OFFENSE	2 nd OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$4 million if an individual, \$10 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 20 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$8 million if an individual, \$20 million if other than an individual
Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> • Not less than 5 years, not more than 40 years • If death or serious injury, not less than 20 years, not more than life • Fine not more than \$2 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not less than 10 years, not more than life • If death or serious injury, mandatory life • Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture more than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> • Not more than 20 years • If death or serious injury, not less than 20 years, not more than life • Fine \$1 million if an individual, \$5 million if other than an individual 	<ul style="list-style-type: none"> • Not more than 30 years • If death or serious injury, mandatory life • Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	<ul style="list-style-type: none"> • Not more than 5 years • Fine not more than \$250,000, \$1 million other than individual 	<ul style="list-style-type: none"> • Not more than 10 years • Fine \$500,000 if an individual, \$2 million if other than individual
Hashish	10 kg or less		
Hashish Oil	1 kg or less		