

House Bill 3538

Sponsored by Representative HIEB; Representative LEWIS, Senator MANNING JR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates crime of controlled substances homicide. Punishes by maximum of 10 years' imprisonment, \$250,000 fine, or both.

Takes effect only if constitutional amendment proposed by House Joint Resolution 27 (2023) is approved by people at regular general election held in November 2024. Takes effect on effective date of constitutional amendment proposed by House Joint Resolution 27 (2023).

A BILL FOR AN ACT

1
2 Relating to controlled substances homicide; and prescribing an effective date.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 475.752 to**
5 **475.980.**

6 **SECTION 2. (1) A person commits the crime of controlled substances homicide if:**

7 **(a) The person unlawfully delivers a controlled substance in violation of ORS 475.752,**
8 **475.810, 475.812, 475.820, 475.822, 475.830, 475.832, 475.850, 475.852, 475.870, 475.872, 475.880,**
9 **475.882, 475.890, 475.892, 475.904 or 475.906;**

10 **(b) The controlled substance is subsequently used by the individual to whom the con-**
11 **trolled substance was delivered; and**

12 **(c) The use of the controlled substance results in the death of the individual.**

13 **(2) Controlled substances homicide is a Class B felony.**

14 **SECTION 3. This 2023 Act does not take effect unless the amendment to the Oregon**
15 **Constitution proposed by House Joint Resolution 27 (2023) is approved by the people at the**
16 **regular general election held in November 2024. This 2023 Act takes effect on the effective**
17 **date of that constitutional amendment.**

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.