



Bill Summary: Mandatory Minimum Heroin and Fentanyl Sentences HB 2036, Rep. Pierce

Bill Purpose: The bill would, if passed, create five- and 10-year mandatory minimum prison sentences for drug offenses involving opioids. **FAMM opposes HB 2036.**

Bill Status: This bill is not a law yet. To become law, this bill must go through the committee process, pass through both the Senate and House, and be signed by the governor.

What the Bill Would Do:

If passed, HB 2036 would create five- and 10-year mandatory minimum prison sentences for various drug offenses involving heroin, fentanyl, or an analogue of fentanyl, regardless of the weight of the drug involved.

FAMM opposes HB 2036 because:

- There are already lengthy mandatory minimum prison sentences for crimes involving opioids, and those sentences have not prevented or stopped the state's opioid crisis.
- There is no evidence that mandatory minimum sentences reduce drug abuse, addiction, or trafficking, or deter or reduce crime generally.
- Mandatory minimum sentences are unjust, waste public safety resources, and deprive judges of flexibility to make important distinctions that matter when fitting the punishment to the crime, like
 - o Drug quantity, motive, role in the crime, and profit: Under HB 2036, a person receives a five-year prison sentence whether he sold one gram of heroin to a friend to fund his own drug addiction, or manufactured 50 pounds of fentanyl for \$100,000 as part of a longstanding, multi-state drug trafficking operation.
 - o Addiction and mental health: Under HB 2036, people receive mandatory minimum prison sentences even if they are involved in selling or distributing opioids because of their own addiction or an unresolved mental health issue.
 - o Public safety: Under HB 2036, judges must sentence people to at least five years in prison, even if that sentence is unnecessary to protect the public. This wastes taxpayer money locking up a person who is not a threat, and wastes money that could be spent on drug treatment, crime prevention, community policing, rehabilitation programs in prison, testing rape kits, or solving cold cases.

Instead of creating more ineffective mandatory minimums that don't make Arizona safer, lawmakers should be repealing mandatory minimums, allowing courts to fit punishments to each crime and person, and increasing the use of effective drug and mental health treatment programs in the community and in prisons.

