

An act to add Section 11369 to the Health and Safety Code, relating to controlled substances.

SECURED
COPY



THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11369 is added to the Health and Safety Code, to read:

11369. (a) This section shall be known, and may be cited, as Alexandra's Law.

(b) The court shall advise a person who is convicted of, or who pleads guilty or no contest to, a violation of Section 11351, 11352 for transporting, importing, selling, or administering a controlled substance, offering to transport, import, sell, or administer a controlled substance, or attempting to transport, import, sell, or administer a controlled substance, or 11379.6, where the substance contained fentanyl or a fentanyl analog, of the following:

“You are hereby advised that all illicit drugs and counterfeit pills are dangerous to human life and become even deadlier when they are, sometimes unknowingly, mixed with substances such as fentanyl and analogs of fentanyl. People can and have died from these substances, even in very small doses. It is extremely dangerous and deadly to human life to sell or administer drugs, in any form, when not lawfully authorized to do so. If you do so in the future and a person dies as a result of that action, and you knew or should have known that the substance you provided contained fentanyl or a fentanyl analog, you may be charged with homicide, up to and including the crime of murder, within the meaning of Section 187 of the Penal Code. In addition, this conviction will be considered by a judge or jury as to whether you knew or should have known that the substance you provided to the decedent contained fentanyl.”

The court shall additionally read the advisory statement in a case in which the person exchanged a controlled substance containing fentanyl or its analogs for anything else of value, except when the controlled substance containing fentanyl or its analogs is exchanged for a controlled substance or alcohol.

(c) The advisory statement shall be included in a plea form, if used, or the fact that the advisory was given shall be specified on the record.

(d) The fact that the advisory was given shall be recorded in the abstract of the conviction.

(e) This advisement may not be used as evidence in the prosecution of a minor in juvenile court.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Controlled substances.

Existing law makes it a crime to possess for sale or purchase for purpose of sale, transport, import, sell, furnish, administer, give away, manufacture, compound, convert, produce, derive, process, or prepare various controlled substances, including, among others, fentanyl, peyote, and various other opiates and narcotics.

This bill, Alexandra's Law, would require the court to advise a person who is convicted of, or who pleads guilty or no contest to, the above crimes, as specified, of the danger of selling or administering illicit drugs and counterfeit pills and that, if a person dies as a result of that action, the defendant can be charged with homicide. The bill would require the court to read the advisory statement in a case in which the defendant exchanged a controlled substance containing fentanyl or its analogs for anything else of value, as specified. The bill would require the advisory statement to be included in a plea form, if used, and specified on the record. The bill would require that the fact the advisory was given be recorded in the abstract of conviction and would prohibit the advisement from being used as evidence in the prosecution of a minor in juvenile court.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

