

2018 -- H 7715 SUBSTITUTE A AS AMENDED

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LC004307/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO CRIMINAL OFFENSES - HOMICIDE

Introduced By: Representatives Mattiello, Jacquard, Lima, Serpa, and Corvese

Date Introduced: February 28, 2018

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known and may be cited as "Kristen's Law."

2 SECTION 2. Section 11-23-6 of the General Laws in Chapter 11-23 entitled "Homicide"
3 is hereby amended to read as follows:

4 **11-23-6. Controlled substance transaction resulting in death of minor.**

5 Any person ~~convicted of the sale~~ who sells, delivery delivers or ~~distribution distributes~~ of
6 a controlled substance, the sale of which would constitute a felony under chapter 28 of title 21, to
7 a minor, or ~~of~~ knowingly provides providing a controlled substance for sale, delivery or
8 distribution to a minor, and death has resulted to the minor because of the ingestion orally, ~~by~~
9 injection, or ~~by~~ inhalation of the controlled substance, shall be imprisoned for life.

10 SECTION 3. Chapter 11-23 of the General Laws entitled "Homicide" is hereby amended
11 by adding thereto the following section:

12 **11-23-7. Controlled substance delivery resulting in death.**

13 (a) A person is guilty of a controlled substance delivery resulting in death when, as a
14 result of an unlawful delivery of a controlled substance in exchange for anything of value to an
15 adult, death results to that adult because of the ingestion orally, injection, or inhalation of the
16 controlled substance.

17 (b) A person is guilty of a controlled substance delivery resulting in death when, as a
18 result of an unlawful delivery of a controlled substance to another person who subsequently
19 delivers such controlled substance to an adult, death results to that adult because of the ingestion

1 orally, injection, or inhalation of the controlled substance.

2 (c) Those in violation of subsections (a) or (b) of this section, upon conviction, shall be
3 imprisoned up to life.

4 (d) For the purposes of this section only, any person who, in good faith, without malice
5 and in the absence of evidence of an intent to defraud, seeks medical assistance for someone
6 experiencing a controlled substance overdose shall not be charged or prosecuted for a violation of
7 this section, if the evidence for the charge was gained as a result of the seeking of medical
8 assistance.

9 (e) The phrase "in exchange for anything of value" does not apply to the act of sharing a
10 controlled substance when said sharing results in the proximate cause of a person's death under
11 this section.

12 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES - HOMICIDE

- 1 This act would create a new criminal offense for the delivery of a controlled substance
- 2 resulting in death.
- 3 This act would take effect upon passage.

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