



NEW YORK STATE SENATOR

Craig M. Johnson

Senator Johnson, Assemblyman Weisenberg, DA Rice, Announce Legislation to Combat LI Heroin Epidemic

CRAIG M. JOHNSON January 24, 2010

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MINEOLA, N.Y. -- Senator Craig M. Johnson, (D-Nassau) and Assemblyman Harvey Weisenberg, (D-Long Beach), joined with Nassau County District Attorney Kathleen Rice to announce tough new legislation to help combat the heroin epidemic on Long Island and hold drug dealers accountable for the deaths and destruction that they cause.

This measure (S.6418/ A.9522), which was drafted in consultation with District Attorney Rice's office, will toughen existing laws to make it so a person who sells a controlled substance that causes a death would may be charged with manslaughter.

Under current law, a dealer cannot be charged in relation to a heroin user's death unless the dealer is physically involved in the injection of the drug. Under the proposed legislation, the statute for Manslaughter in the Second Degree would be amended to include anyone age 18 and older, and with a prior drug conviction, who knowingly sells a controlled substance to another person that is consumed by such person or another person and such controlled substance contributes to the death of such person or other person.

The increased penalty, a C felony, is in direct response to the rise of heroin use, and heroin-related deaths, on Long Island – particularly among youths and young adults, Senator Johnson said.

“Those who choose to sell death in our communities must be held accountable,” Senator Johnson said. “We are in a crisis that is literally gripping Long Island's future and I believe this legislation is an important part of comprehensive strategy to stem this disturbing trend. I thank Assemblyman Weisenberg for partnering with me on this important issue. I also thank District Attorney Rice and her staff for the invaluable assistance and insight they provided during the process of crafting this bill.”

Arrests on heroin-related charges rose 91% between 2005 and 2008 in Nassau County, while Suffolk County saw a 126% increase during that same time period. These increases come amid a flood of heroin that is stronger, cheaper, and easier for young adults and teens to obtain.

"Over the past two years, we have stepped up enforcement, gone into the community to educate teenagers and parents, and shined a light on a problem that has reached epidemic proportions on Long Island," Rice said. "Now, with support from legislators facing similar battles in communities across the state, we stand together poised to target the dealers killing our kids. We have got to change this law and we have to do it fast. Across the state, our children are dying and Albany needs to give us prosecutors the tools to go after their killers."

Similar legislation already exists in states like Massachusetts, Florida, Michigan, New Hampshire, Louisiana, and Minnesota, and two heroin dealers were federally prosecuted and convicted of manslaughter in the overdose death of a 31-year old Ohio man in May 2009.

"In making a profit, drug dealers regularly provide the poison that leads to the death of another. People who demonstrate such disregard for humanity should be brought to swift justice and held responsible for their actions," Assemblyman Weisenberg said. "We currently hold bartenders accountable for continuing to serve alcohol to patrons who are overly intoxicated. As it stands now, drug dealers are given preferential treatment in this regard simply because their product is illegal. This is unacceptable and I am pleased to join with Senator Johnson in changing our laws."

This measure compliments a bill (S. 6361) recently introduced by Senator Brian X. Foley, (D-Blue Point), that will help parents admit minors into detox treatment. Senator Foley is also a co-sponsor of Johnson/ Weisenberg legislation.

"As communities across Long Island struggle to combat the increased flow of heroin and other illegal drugs into our neighborhoods, we must protect our children and families," said Senator Foley. "This legislation will send a clear signal to drug dealers that we will not allow

them to declare open season on our youth. I look forward to continuing to work with Senator Craig Johnson, Assemblyman Weisenberg, and District Attorney Rice on this critical issue.”