



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for SB7 Sponsored by Senator King

**Subtitle** TO ADD THE CRIMINAL OFFENSE OF PRESCRIPTION DRUG HARM OR HOMICIDE.

**Impact Summary**<sup>1</sup> Minimal. While the proposed bill creates a new criminal offense for which the likely number of occurrences is unknown, the statutory elements limit the number individuals who could potentially commit the newly created offense.

**Change from Current Law**<sup>2</sup> Amends Title 5 of the Arkansas Code Annotated to create a new criminal offense. Under the proposed bill, a person commits the offense of prescription drug harm or homicide if: (1) the person is an executive officer for a pharmaceutical company and is eighteen (18) years of age or older, (2) the person introduces into the market a prescription drug produced by the pharmaceutical company, (3) the person knowingly hides, conceals, omits, or otherwise withholds evidence, documentation, or information that the prescription drug has dangerous effects, (4) another person is prescribed the prescription drug and uses the drug in Arkansas, and (5) the use of the prescription drug causes the death of or serious physical injury to the other person.

Under the proposed bill, prescription drug harm or homicide is an unclassified felony with a sentence of imprisonment of not less than one (1) year and not more than life.

**Impact Information** The proposed bill creates a new criminal offense for which the likely number of occurrences cannot be determined. However, the bill requires that an individual must be an executive officer for a pharmaceutical company. Because this represents a small percentage of the population, the proposed bill is projected to have a minimal impact on correctional resources.

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<sup>1</sup> This impact assessment was prepared 1/10/2023 11:49 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: "minimal" = less than 10 offenders per year will be affected; "medium" = would require budgetary increases for ADC inmate costs; and "major" = would require budgetary increases for ADC inmate costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500