



A Proud Past – A Promising Future

McLean County

STATE OF NORTH DAKOTA

Ladd R. Erickson
McLean County State's Attorney
Service: 28sa@nd.gov

712 5th Avenue
P.O. Box 1108
Washburn, ND 58577-1108
701.462.8541
www.mcleancountynd.gov

March 13, 2023

Mr. Chairman and members of the committee, my name is Ladd Erickson and I am the McLean County State's Attorney. I appear in support of SB2248, which is intended to address the epidemic of fentanyl related overdose injuries and deaths in North Dakota.

Fentanyl has created a global health emergency that transcends all borders. While the significant harms fentanyl is causing can only materially be reduced through more effective national immigration policy; international trade and extradition policy; and more effective national enforcement, treatment, and deterrence measures – SB2248 represents policy that we have control over.

What other states are doing to cope with the fentanyl epidemic center mostly on using their existing plant-based drug laws and adding mandatory minimum sentences to those for fentanyl deaths. We have already done that here also, and those laws are not impacting the fentanyl problem.

SB 2248 is intended to take a new approach, as it solves for two obstacles in existing laws:

Venue: Fentanyl is obtained in a county or another state, perhaps sold through multiple levels of dealers in other counties, before being consumed and killing someone. Many times the deceased may not have known there was fentanyl in the drugs they had received because it has become commonplace to lace many illicit drugs with fentanyl – and tiny quantities can be lethal, particularly for people that aren't conditioned to consuming it. SB2248 solves for this venue issue by allowing charges to be filed in the county the overdose occurred, or the county the drugs were obtained all the

way back up the supply chain as far as the evidence takes the investigators – which in some cases could lead to a high-volume dealer responsible for multiple deaths.

Cause of Death: Traditional homicide cases do not have an issue with cause of death, because for example, there is an autopsy showing a gunshot killed the person. Overdose deaths are generally not getting autopsies because resources lack for doing those and medical examiners have to issue subjective opinions in overdose cases. Therefore, SB2248 addresses this problem by including the phrase “injury or death” and “direct or circumstantial” evidence. There will be evidence such as toxicology from the deceased drawn by a county coroner; residual drugs at the death scene that can be tested; evidence in cell phones and witness statements; interviews with a person that overdosed but was saved by an officer administering Narcan; search warrants executed on supplier locations; etc. All of these investigative techniques will be used to prove these cases beyond a reasonable doubt.

For the foregoing reasons, please support SB2248.

Ladd R. Erickson
McLean County State’s Attorney