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SB-1182 Controlled substances. (2015-2016)

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Senate Bill No. 1182

CHAPTER 893

An act to add Sections 11350.5 and 11377.5 to the Health and Safety Code, relating to controlled substances.

[Filed with Secretary of State October 03, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1182, Galgiani. Controlled substances.

(1) Existing law generally provides that the possession of ketamine, gamma hydroxybutyric acid (GHB), and flunitrazepam is a misdemeanor, punishable by imprisonment in a county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in a county jail for 16 months, or 2 or 3 years, to possess ketamine, flunitrazepam, or GHB, with the intent to commit sexual assault, as defined for these purposes to include, among other acts, rape, sodomy, and oral copulation. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Ketamine, gamma hydroxybutyric acid (GHB), and Rohypnol are drugs often characterized as "date rape" drugs.

(b) GHB is a central nervous system depressant that was approved for the treatment of narcolepsy. GHB has no color or taste, and is frequently combined with alcohol to commit sexual assault.

(c) Ketamine causes unconsciousness, hallucinations, loss of body control, and numbing. Ketamine works very quickly, so victims drugged with ketamine only have a few seconds to react before losing consciousness.

(d) Rohypnol, commonly known as flunitrazepam, and sometimes referred to as "roofies," impairs judgment and leaves victims drugged with Rohypnol physically incapacitated. Memory loss and confusion under the influence of this drug makes victims more vulnerable to rape.

(e) In order to deter the possession of ketamine, GHB, and Rohypnol by sexual predators and to take steps to prevent the use of these drugs to incapacitate victims for purposes of sexual exploitation, it is necessary and appropriate that an individual who

possesses one of these substances for predatory purposes be subject to felony penalties.

SEC. 2. Section 11350.5 is added to the Health and Safety Code, to read:

11350.5. (a) Except as otherwise provided in this division, every person who possesses a controlled substance specified in paragraph (3) of subdivision (e) of Section 11054 of this code with the intent to commit sexual assault shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the Penal Code.

SEC. 3. Section 11377.5 is added to the Health and Safety Code, to read:

11377.5. (a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

(b) For purposes of this section, "sexual assault" means conduct in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the Penal Code.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.