

AMENDED IN SENATE JUNE 18, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 721**

---

---

**Introduced by Assembly Member Bradford**

February 21, 2013

---

---

An act to amend Sections 11352 and 11379 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 721, as amended, Bradford. Controlled substances: transporting with intent to sell.

Existing law categorizes controlled substances into 5 schedules and restrictions on those contained in Schedule I. Existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule I and II controlled substances, or any Schedule III, IV, or V controlled substance which is a narcotic drug, unless upon written prescription, as specified.

This bill would instead ~~make the transportation of those controlled substances unlawful if an individual also has the intent to sell~~ *define "transports" for those purposes to mean to transport for sale.*

Existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule III, IV, or V controlled substances which are not a narcotic drug, unless upon written prescription, as specified.

This bill would instead ~~make that portion of the offense transporting those controlled substances with the intent to sell~~ *define "transports" for those purposes to mean to transport for sale.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11352 of the Health and Safety Code is  
2 amended to read:

3 11352. (a) Except as otherwise provided in this division, every  
4 person who transports ~~with the intent to sell~~, imports into this state,  
5 sells, furnishes, administers, or gives away, or offers to transport,  
6 import into this state, sell, furnish, administer, or give away, or  
7 attempts to import into this state or transport (1) any controlled  
8 substance specified in subdivision (b), (c), or (e), or paragraph (1)  
9 of subdivision (f) of Section 11054, specified in paragraph (14),  
10 (15), or (20) of subdivision (d) of Section 11054, or specified in  
11 subdivision (b) or (c) of Section 11055, or specified in subdivision  
12 (h) of Section 11056, or (2) any controlled substance classified in  
13 Schedule III, IV, or V which is a narcotic drug, unless upon the  
14 written prescription of a physician, dentist, podiatrist, or  
15 veterinarian licensed to practice in this state, shall be punished by  
16 imprisonment pursuant to subdivision (h) of Section 1170 of the  
17 Penal Code for three, four, or five years.

18 (b) Notwithstanding the penalty provisions of subdivision (a),  
19 any person who transports ~~for sale~~ any controlled substances  
20 specified in subdivision (a) within this state from one county to  
21 another noncontiguous county shall be punished by imprisonment  
22 pursuant to subdivision (h) of Section 1170 of the Penal Code for  
23 three, six, or nine years.

24 (c) *For purposes of this section, "transports" means to transport*  
25 *for sale.*

26 SEC. 2. Section 11379 of the Health and Safety Code is  
27 amended to read:

28 11379. (a) Except as otherwise provided in subdivision (b)  
29 and in Article 7 (commencing with Section 4211) of Chapter 9 of  
30 Division 2 of the Business and Professions Code, every person  
31 who transports ~~with the intent to sell~~, imports into this state, sells,  
32 furnishes, administers, or gives away, or offers to transport, import  
33 into this state, sell, furnish, administer, or give away, or attempts  
34 to import into this state or transport any controlled substance which  
35 is (1) classified in Schedule III, IV, or V and which is not a narcotic  
36 drug, except subdivision (g) of Section 11056, (2) specified in  
37 subdivision (d) of Section 11054, except paragraphs (13), (14),  
38 (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in

1 paragraph (11) of subdivision (c) of Section 11056, (4) specified  
2 in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5)  
3 specified in subdivision (d) or (e), except paragraph (3) of  
4 subdivision (e), or specified in subparagraph (A) of paragraph (1)  
5 of subdivision (f), of Section 11055, unless upon the prescription  
6 of a physician, dentist, podiatrist, or veterinarian, licensed to  
7 practice in this state, shall be punished by imprisonment pursuant  
8 to subdivision (h) of Section 1170 of the Penal Code for a period  
9 of two, three, or four years.

10 (b) Notwithstanding the penalty provisions of subdivision (a),  
11 any person who transports ~~for sale~~ any controlled substances  
12 specified in subdivision (a) within this state from one county to  
13 another noncontiguous county shall be punished by imprisonment  
14 pursuant to subdivision (h) of Section 1170 of the Penal Code for  
15 three, six, or nine years.

16 (c) *For purposes of this section, "transports" means to transport*  
17 *for sale.*