

AMENDED IN ASSEMBLY JULY 2, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 28, 2015

SENATE BILL

No. 212

Introduced by Senator Mendoza

February 11, 2015

An act to amend Section 11379.6 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 212, as amended, Mendoza. Controlled substances: factors in aggravation.

Existing law makes it a felony, punishable by imprisonment in a county jail for 3, 5, or 7 years, to manufacture, compound, convert, produce, derive, process, or prepare by chemical extraction, or by means of chemical synthesis, any controlled substance. Existing law requires the sentencing court to consider the fact that a person under 16 years of age resided in a structure in which a violation of these provisions occurred as a factor in ~~aggravation~~. *aggravation, except when a specified enhancement is pled and proved.*

This bill would specifically authorize the sentencing court to consider the fact that a violation involving methamphetamine occurred within 200 feet of an occupied residence as a factor in ~~aggravation~~. *aggravation, except when a specified enhancement is pled and proved.* The bill would also specifically authorize the sentencing court to consider the fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence as a factor in aggravation.

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 11379.6 of the Health and Safety Code
2 is amended to read:
3 11379.6. (a) Except as otherwise provided by law, every person
4 who manufactures, compounds, converts, produces, derives,
5 processes, or prepares, either directly or indirectly by chemical
6 extraction or independently by means of chemical synthesis, any
7 controlled substance specified in Section 11054, 11055, 11056,
8 11057, or 11058 shall be punished by imprisonment pursuant to
9 subdivision (h) of Section 1170 of the Penal Code for three, five,
10 or seven years and by a fine not exceeding fifty thousand dollars
11 (\$50,000).
12 (b) Except when an enhancement pursuant to Section 11379.7
13 is pled and proved, the fact that a person under 16 years of age
14 resided in a structure in which a violation of this section involving
15 methamphetamine occurred shall be considered a factor in
16 aggravation by the sentencing court.
17 (c) ~~The~~ *Except when an enhancement pursuant to Section*
18 *11379.7 is pled and proved, the* fact that a violation of this section
19 involving methamphetamine occurred within 200 feet of an
20 occupied residence or any structure where another person was
21 present at the time the offense was committed may be considered
22 a factor in aggravation by the sentencing court.
23 (d) The fact that a violation of this section involving the use of
24 a volatile solvent to chemically extract concentrated cannabis
25 occurred within 300 feet of an occupied residence or any structure
26 where another person was present at the time the offense was
27 committed may be considered a factor in aggravation by the
28 sentencing court.
29 (e) Except as otherwise provided by law, every person who
30 offers to perform an act which is punishable under subdivision (a)
31 shall be punished by imprisonment pursuant to subdivision (h) of
32 Section 1170 of the Penal Code for three, four, or five years.
33 (f) All fines collected pursuant to subdivision (a) shall be
34 transferred to the State Treasury for deposit in the Clandestine
35 Drug Lab Clean-up Account, as established by Section 5 of Chapter

1 1295 of the Statutes of 1987. The transmission to the State Treasury
2 shall be carried out in the same manner as fines collected for the
3 state by the county.

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