

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 20, 2015

SENATE BILL

No. 333

Introduced by Senator Galgiani

(Principal coauthors: Senators Anderson and Vidak)

(Principal coauthors: Assembly Members Cooper and Lackey)

**(Coauthors: Senators Bates, Morrell, Nguyen, Nielsen, Runner,
and Stone)**

(Coauthors: Assembly Members Baker, Brown, Dodd, Gonzalez, and
Harper, Maienschein, O'Donnell, and Steinorth)

February 23, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 333, as amended, 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 the county jail for not more than one year.

This bill would make it a felony, punishable by imprisonment in the ~~state prison~~ *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. State-mandated local program: yes.

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

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

3 (a) Ketamine, gamma hydroxybutyric acid (GHB), and
4 Rohypnol are drugs often characterized as “date rape” drugs.

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

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

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

18 (e) In order to deter the possession of Ketamine, GHB, and
19 Rohypnol by sexual predators and to take steps to prevent the use
20 of these drugs to incapacitate victims for purposes of sexual
21 exploitation, it is necessary and appropriate that an individual who
22 possesses one of these substances for predatory purposes be subject
23 to felony penalties.

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

26 11350.5. (a) Except as otherwise provided in this division,
27 every person who possesses a controlled substance specified in
28 paragraph (3) of subdivision (e) of Section 11054 with the intent
29 to commit sexual assault shall be punished by imprisonment ~~in~~

1 ~~the state prison for 16 months, or two or three years. pursuant to~~
2 ~~subdivision (h) of Section 1170 of the Penal Code.~~

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

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

8 11377.5. (a) Except as otherwise provided in this division,
9 every person who possesses any controlled substance specified in
10 paragraph (11) of subdivision (c) of, or subdivision (g) of, Section
11 11056, or paragraph (13) of subdivision (d) of Section 11057, with
12 the intent to commit sexual assault, shall be punished by
13 imprisonment ~~in the state prison for 16 months, or two or three~~
14 ~~years. pursuant to subdivision (h) of Section 1170 of the Penal~~
15 ~~Code.~~

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

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