

Introduced by Senator Galgiani

February 18, 2016

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 1182, as introduced, 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 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:

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

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

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

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

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

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

24 11350.5. (a) Except as otherwise provided in this division,
25 every person who possesses a controlled substance specified in
26 paragraph (3) of subdivision (e) of Section 11054 with the intent
27 to commit sexual assault shall be punished by imprisonment
28 pursuant to subdivision (h) of Section 1170 of the Penal Code.

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

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

34 11377.5. (a) Except as otherwise provided in this division,
35 every person who possesses any controlled substance specified in
36 paragraph (11) of subdivision (c) of, or subdivision (g) of, Section
37 11056, or paragraph (13) of subdivision (d) of Section 11057, with
38 the intent to commit sexual assault, shall be punished by
39 imprisonment pursuant to subdivision (h) of Section 1170 of the
40 Penal Code.

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

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

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