

AMENDED IN ASSEMBLY AUGUST 15, 2016

SENATE BILL

No. 1182

Introduced by Senator Galgiani
(Coauthor: Assembly Member Gonzalez)

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 amended, Galgiani. Controlled substances.

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

This bill would make it a felony, punishable by imprisonment in ~~the a~~ county jail for 16 months, or 2 or 3 years, to possess ~~Ketamine,~~ *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~~ *ketamine* works very
11 quickly, so victims drugged with ~~Ketamine~~ *ketamine* only have a
12 few seconds to react 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~~, *ketamine*, GHB,
19 and Rohypnol by sexual predators and to take steps to prevent the
20 use 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 *of this code* with
29 the intent to commit sexual assault shall be punished by
30 imprisonment pursuant to subdivision (h) of Section 1170 of the
31 Penal Code.

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

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

37 11377.5. (a) Except as otherwise provided in this division,
38 every person who possesses any controlled substance specified in

1 paragraph (11) of subdivision (c) of, or subdivision (g) of, Section
2 ~~11056~~, *11056 of this code*, or paragraph (13) of subdivision (d) of
3 ~~Section 11057~~, *11057 of this code*, with the intent to commit sexual
4 assault, shall be punished by imprisonment pursuant to subdivision
5 (h) of Section 1170 of the Penal Code.

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

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