

AMENDED IN SENATE JUNE 24, 1997
AMENDED IN ASSEMBLY JUNE 3, 1997
AMENDED IN ASSEMBLY MAY 1, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 904

Introduced by Assembly Member Miller
(Coauthor: Senator Alpert)

February 27, 1997

An act to add Section 11379.9 to the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 904, as amended, Miller. Controlled substances: penalties.

Existing law prohibits the manufacture of controlled substances and the possession of certain precursors of controlled substances with the intent to manufacture those controlled substances.

This bill would provide that any person convicted of violating these provisions, or of an attempt to violate these provisions, *as they relate to methamphetamine or phencyclidine*, when the commission or attempted commission of the offense causes the death or great bodily injury of ~~any person~~ *another person other than an accomplice*, shall be punished by an additional term of one year in the state prison. By increasing the penalty for an existing crime, the bill would impose a state-mandated local program.

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. Section 11379.9 is added to the Health
2 and Safety Code, to read:

3 11379.9. ~~Any~~ *Except as provided by Section 11379.7,*
4 *any person convicted of a violation of, or of an attempt to*
5 *violate, subdivision (a) of Section 11379.6 or Section*
6 *11383, as those sections relate to methamphetamine or*
7 *phencyclidine, when the commission or attempted*
8 *commission of the offense causes the death or great bodily*
9 *injury of ~~any person~~ another person other than an*
10 *accomplice, shall, in addition and consecutive to any*
11 *other punishment authorized by law, be punished by an*
12 *additional term of one year in the state prison for each*
13 *death or injury.*

14 SEC. 2. No reimbursement is required by this act
15 pursuant to Section 6 of Article XIII B of the California
16 Constitution because the only costs that may be incurred
17 by a local agency or school district will be incurred
18 because this act creates a new crime or infraction,
19 eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition
22 of a crime within the meaning of Section 6 of Article
23 XIII B of the California Constitution.

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act
26 shall become operative on the same date that the act
27 takes effect pursuant to the California Constitution.

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