

Introduced by Senator Alarcon

February 25, 2000

An act to amend Sections 11352, 11352.5, and 11379 of, and to add Section 11102.5 to, the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 2074, as introduced, Alarcon. Methamphetamine: sale: precursors.

Under existing law the sale of methamphetamine is punishable by 2, 3, or 4 years in state prison while the sale of cocaine is punishable by 3, 4, or 5 years in state prison and the sale of heroin is punishable by 3, 4, or 5 years in state prison and the imposition of a fine not exceeding \$50,000 if the sale involves 14.25 grams or more of heroin.

This bill would increase the penalty for the sale of methamphetamine to 3, 4, or 5 years in state prison and a fine not exceeding \$50,000 if the sale involves 14.25 grams or more of methamphetamine. By increasing the penalty for an existing crime, this bill would impose a state-mandated local program upon local governments.

Existing law regulates the sale of specified chemicals, including the chemical precursors of methamphetamine, by requiring reporting of the details of the sale, as specified, to the Department of Justice.

This bill would require the Department of Justice to maintain a record of the sale of specified precursors of methamphetamine.

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 11102.5 is added to the Health
2 and Safety Code, to read:

3 11102.5. The Department of Justice shall maintain a
4 record of the sale of any precursors of methamphetamine
5 set forth in subdivision (a) or (d) of Section 11383.

6 SEC. 2. Section 11352 of the Health and Safety Code
7 is amended to read:

8 11352. (a) Except as otherwise provided in this
9 division, every person who transports, imports into this
10 state, sells, furnishes, administers, or gives away, or offers
11 to transport, import into this state, sell, furnish,
12 administer, or give away, or attempts to import into this
13 state or transport (1) any controlled substance specified
14 in subdivision (b), (c), or (e), or paragraph (1) of
15 subdivision (f) of Section 11054, specified in paragraph
16 (14), (15), or (20) of subdivision (d) of Section 11054, or
17 specified in subdivision (b), (c), or (g), or paragraph (2)
18 of subdivision (d), of Section 11055, or (2) any controlled
19 substance classified in Schedule III, IV, or V which is a
20 narcotic drug, unless upon the written prescription of a
21 physician, dentist, podiatrist, or veterinarian licensed to
22 practice in this state, shall be punished by imprisonment
23 in the state prison for three, four, or five years.

24 (b) Notwithstanding the penalty provisions of
25 subdivision (a), any person who transports for sale any
26 controlled substances specified in subdivision (a) within
27 this state from one county to another noncontiguous
28 county shall be punished by imprisonment in the state
29 prison for three, six, or nine years.



1 SEC. 3. Section 11352.5 of the Health and Safety Code
2 is amended to read:

3 11352.5. The court shall impose a fine not exceeding
4 fifty thousand dollars (\$50,000), in the absence of a
5 finding that the defendant would be incapable of paying
6 such a fine, in addition to any term of imprisonment
7 provided by law for any of the following persons:

8 (1) Any person who is convicted of violating Section
9 11351 of the Health and Safety Code by possessing for sale
10 14.25 grams or more of a substance containing heroin.

11 (2) Any person who is convicted of violating Section
12 11352 of the Health and Safety Code by selling or offering
13 to sell 14.25 grams or more of a substance containing
14 heroin *or methamphetamine*.

15 (3) Any person convicted of violating Section 11351 of
16 the Health and Safety Code by possessing heroin for sale
17 or convicted of violating Section 11352 of the Health and
18 Safety Code by selling or offering to sell heroin *or*
19 *methamphetamine*, and who has one or more prior
20 convictions for violating Section 11351 or Section 11352 of
21 the Health and Safety Code.

22 SEC. 4. Section 11379 of the Health and Safety Code
23 is amended to read:

24 11379. (a) Except as otherwise provided in
25 subdivision (b) and in Article 7 (commencing with
26 Section 4211) of Chapter 9 of Division 2 of the Business
27 and Professions Code, every person who transports,
28 imports into this state, sells, furnishes, administers, or
29 gives away, or offers to transport, import into this state,
30 sell, furnish, administer, or give away, or attempts to
31 import into this state or transport any controlled
32 substance which is (1) classified in Schedule III, IV, or V
33 and which is not a narcotic drug, except subdivision (g)
34 of Section 11056, (2) specified in subdivision (d) of
35 Section 11054, except paragraphs (13), (14), (15), (20),
36 (21), (22), and (23) of subdivision (d), (3) specified in
37 paragraph (2) or (3) of subdivision (f) of Section 11054,
38 or (4) specified in subdivision (d) or (e), except
39 *paragraph (2) of subdivision (d) or paragraph (3) of*
40 *subdivision (e), or specified in subparagraph (A) of*



1 paragraph (1) of subdivision (f), of Section 11055, unless
2 upon the prescription of a physician, dentist, podiatrist, or
3 veterinarian, licensed to practice in this state, shall be
4 punished by imprisonment in the state prison for a period
5 of two, three, or four years.

6 (b) Notwithstanding the penalty provisions of
7 subdivision (a), any person who transports for sale any
8 controlled substances specified in subdivision (a) within
9 this state from one county to another noncontiguous
10 county shall be punished by imprisonment in the state
11 prison for three, six, or nine years.

12 SEC. 5. No reimbursement is required by this act
13 pursuant to Section 6 of Article XIII B of the California
14 Constitution because the only costs that may be incurred
15 by a local agency or school district will be incurred
16 because this act creates a new crime or infraction,
17 eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition
20 of a crime within the meaning of Section 6 of Article
21 XIII B of the California Constitution.

