

ASSEMBLY BILL NO. 281—ASSEMBLYMAN GOICOECHEA

MARCH 12, 2007

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing crimes involving certain controlled substances and other related substances. (BDR 40-188)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; removing the minimum quantity of a controlled substance or other related substance required to constitute certain crimes of trafficking in those substances or required for the imposition of a civil penalty for such a crime; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill removes the minimum quantity of flunitrazepam or
2 gamma-hydroxybutyrate or their precursors or a schedule I controlled substance
3 other than marijuana required for conviction of trafficking in controlled substances.
4 (NRS 453.3385) Likewise, **section 2** of this bill removes the minimum quantity of a
5 schedule I controlled substance other than marijuana required for the imposition of a
6 civil penalty for trafficking in controlled substances. (NRS 453.5531)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 453.3385 is hereby amended to read as
2 follows:
3 453.3385 Except as otherwise authorized by the provisions of
4 NRS 453.011 to 453.552, inclusive, a person who knowingly or
5 intentionally sells, manufactures, delivers or brings into this State or
6 who is knowingly or intentionally in actual or constructive
7 possession of flunitrazepam, gamma-hydroxybutyrate, any
8 substance for which flunitrazepam or gamma-hydroxybutyrate is an



1 immediate precursor or any controlled substance which is listed in
2 schedule I, except marijuana, or any mixture which contains any
3 such controlled substance, shall be punished, unless a greater
4 penalty is provided pursuant to NRS 453.322, if the quantity
5 involved:

6 1. Is ~~[4 grams or more, but]~~ less than 14 grams, for a category
7 B felony by imprisonment in the state prison for a minimum term of
8 not less than 1 year and a maximum term of not more than 6 years
9 and by a fine of not more than \$50,000.

10 2. Is 14 grams or more, but less than 28 grams, for a category
11 B felony by imprisonment in the state prison for a minimum term of
12 not less than 2 years and a maximum term of not more than 15 years
13 and by a fine of not more than \$100,000.

14 3. Is 28 grams or more, for a category A felony by
15 imprisonment in the state prison:

16 (a) For life with the possibility of parole, with eligibility for
17 parole beginning when a minimum of 10 years has been served; or

18 (b) For a definite term of 25 years, with eligibility for parole
19 beginning when a minimum of 10 years has been served,

20 and by a fine of not more than \$500,000.

21 **Sec. 2.** NRS 453.5531 is hereby amended to read as follows:

22 453.5531 1. The State of Nevada is entitled, in a civil action
23 brought pursuant to NRS 453.553 involving marijuana, to a civil
24 penalty in an amount:

25 (a) Not to exceed \$350,000, if the quantity involved is 100
26 pounds or more, but less than 2,000 pounds.

27 (b) Not to exceed \$700,000, if the quantity involved is 2,000
28 pounds or more, but less than 10,000 pounds.

29 (c) Not to exceed \$1,000,000, if the quantity involved is 10,000
30 pounds or more.

31 2. The State of Nevada is entitled, in a civil action brought
32 pursuant to NRS 453.553 involving a controlled substance, except
33 marijuana, which is listed in schedule I or a substitute therefor, to a
34 civil penalty in an amount:

35 (a) Not to exceed \$350,000, if the quantity involved is ~~[4 grams
36 or more, but]~~ less than 14 grams.

37 (b) Not to exceed \$700,000, if the quantity involved is 14 grams
38 or more, but less than 28 grams.

39 (c) Not to exceed \$1,000,000, if the quantity involved is 28
40 grams or more.

41 3. The State of Nevada is entitled, in a civil action brought
42 pursuant to NRS 453.553 involving a controlled substance which is
43 listed in schedule II or III or a substitute therefor, to a civil penalty
44 in an amount:



- 1 (a) Not to exceed \$350,000, if the quantity involved is 28 grams
2 or more, but less than 200 grams.
3 (b) Not to exceed \$700,000, if the quantity involved is 200
4 grams or more, but less than 400 grams.
5 (c) Not to exceed \$1,000,000, if the quantity involved is 400
6 grams or more.
7 4. Unless a greater civil penalty is authorized by another
8 provision of this section, the State of Nevada is entitled, in a civil
9 action brought pursuant to NRS 453.553 involving any act or
10 transaction in violation of the provisions of NRS 453.3611 to
11 453.3648, inclusive, to a civil penalty in an amount not to exceed
12 \$350,000.

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