

ASSEMBLY BILL NO. 297—COMMITTEE ON JUDICIARY

MARCH 13, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing trafficking in controlled substances. (BDR 40-586)

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

~

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

AN ACT relating to controlled substances; revising provisions governing the crime of trafficking in controlled substances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that a person is guilty of trafficking in a controlled
2 substance if the person sells, manufactures, delivers or brings into this State or
3 knowingly or intentionally possesses certain amounts of controlled substances
4 which are listed in schedule II. (NRS 453.3395) This bill adds certain controlled
5 substances which are listed in schedule III to the crime of trafficking in controlled
6 substances. This bill also lowers the threshold aggregate amounts by which a
7 person may be found guilty of trafficking in those controlled substances.

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

1 **Section 1.** NRS 453.3383 is hereby amended to read as
2 follows:

3 453.3383 For the purposes of NRS 453.3385, 453.339 and
4 453.3395, the weight *or number of dosage units* of the controlled
5 substance , *as applicable*, as represented by the person selling or
6 delivering it is determinative if the weight *or number of dosage*
7 *units* as represented is greater than the actual weight *or number of*
8 *dosage units* of the controlled substance.



1 **Sec. 2.** NRS 453.3395 is hereby amended to read as follows:

2 453.3395 **1.** Except as otherwise provided in NRS 453.011 to
3 453.552, inclusive, a person who knowingly or intentionally sells,
4 manufactures, delivers or brings into this State, *within a 90-day*
5 *period*, or who is knowingly or intentionally in actual or
6 constructive possession of any controlled substance ~~[which is]~~ listed
7 in schedule II *or schedule III as described in subsection 3* or any
8 mixture which contains any such controlled substance shall be
9 punished, unless a greater penalty is provided pursuant to NRS
10 453.322, ~~[if the quantity involved:~~

11 ~~— 1. Is 28 grams or more, but less than 200 grams, for]~~ *as*
12 *follows:*

13 (a) For a category C felony as provided in NRS 193.130 and by
14 a fine of not more than \$50,000 ~~[-~~

15 ~~— 2. Is 200 grams or more, but less than 400 grams, for]~~ *if the:*

16 (1) *Total aggregate weight of the controlled substance is 20*
17 *grams or more but less than 40 grams; or*

18 (2) *Total aggregate number of dosage units is 100 or more*
19 *but less than 200.*

20 (b) For a category B felony by imprisonment in the state prison
21 for a minimum term of not less than 2 years and a maximum term of
22 not more than 10 years and by a fine of not more than \$100,000 ~~[-~~

23 ~~— 3. Is 400 grams or more, for]~~ *if the:*

24 (1) *Total aggregate weight of the controlled substance is 40*
25 *grams or more but less than 80 grams; or*

26 (2) *Total aggregate number of dosage units is 200 or more*
27 *but less than 400.*

28 (c) For a category A felony by *a fine of not more than*
29 *\$250,000 and by imprisonment in the state prison [-*

30 ~~-(a) For]~~ *for* life with the possibility of parole, with eligibility for
31 parole beginning when a minimum of 5 years has been served ~~[-]~~ or

32 ~~[-(b) For]~~ *for* a definite term of 15 years, with eligibility for
33 parole beginning when a minimum of 5 years has been served,

34 ~~[- and by a fine of not more than \$250,000.] if the:~~

35 (1) *Total aggregate weight of the controlled substance is 80*
36 *grams or more; or*

37 (2) *Total aggregate number of dosage units is 400 or more.*

38 **2.** *If the total aggregate weight of a controlled substance and*
39 *its corresponding total aggregate number of dosage units would*
40 *result in different penalties pursuant to this section, the greater*
41 *penalty must be imposed.*

42 **3.** *This section applies to the following schedule III*
43 *controlled substances:*

44 (a) *Nalorphine.*



1 (b) Unless specifically excepted or unless listed in another
2 schedule, any material, compound, mixture or preparation
3 containing any of the following narcotic drugs or their salts,
4 calculated as the free anhydrous base or alkaloid, in quantities:

5 (1) Not more than 1.8 grams of codeine per 100 milliliters
6 or not more than 90 milligrams per dosage unit, with an equal or
7 greater quantity of an isoquinoline alkaloid of opium;

8 (2) Not more than 1.8 grams of codeine per 100 milliliters
9 or not more than 90 milligrams per dosage unit, with one or more
10 active, nonnarcotic ingredients in recognized therapeutic
11 amounts;

12 (3) Not more than 1.8 grams of dihydrocodeine per 100
13 milliliters or not more than 90 milligrams per dosage unit, with
14 one or more active, nonnarcotic ingredients in recognized
15 therapeutic amounts;

16 (4) Not more than 300 milligrams of ethylmorphine per 100
17 milliliters or not more than 15 milligrams per dosage unit, with
18 one or more active, nonnarcotic ingredients in recognized
19 therapeutic amounts;

20 (5) Not more than 500 milligrams of opium per 100
21 milliliters or per 100 grams, or not more than 25 milligrams per
22 dosage unit, with one or more active, nonnarcotic ingredients in
23 recognized therapeutic amounts; or

24 (6) Not more than 50 milligrams of morphine per 100
25 milliliters or per 100 grams, with one or more active, nonnarcotic
26 ingredients in recognized therapeutic amounts.

27 (c) Any material, compound, mixture or preparation
28 containing buprenorphine, including its salts.

29 4. As used in this section:

30 (a) "Aggregate number" means the total number of dosage
31 units in violation of this section, regardless of the number of
32 dosage units of each controlled substance as described in this
33 section that are present in the total number of dosage units.

34 (b) "Aggregate weight" means the weight of the entire mixture
35 in violation of this section, regardless of the weight of each
36 controlled substance as described in this section that are present in
37 the mixture.

38 (c) "Dosage unit" means a tablet, pill, capsule, vial, ampule or
39 other identifiable or separated unit designed or packaged to be
40 used, taken or ingested at one time.

