

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.

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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 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 lowers the threshold
5 aggregate amounts by which a person may be found guilty of trafficking in those
6 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.
9 **Sec. 2.** NRS 453.3395 is hereby amended to read as follows:
10 453.3395 **1.** Except as otherwise provided in NRS 453.011 to
11 453.552, inclusive, a person who knowingly or intentionally sells,



1 manufactures, delivers or brings into this State , *within a 90-day*
2 *period*, or who is knowingly or intentionally in actual or
3 constructive possession of any controlled substance ~~{which is}~~ listed
4 in schedule II or any mixture which contains any such controlled
5 substance shall be punished, unless a greater penalty is provided
6 pursuant to NRS 453.322, ~~{if the quantity involved:~~

7 ~~1. Is 28 grams or more, but less than 200 grams, for}~~ *as*
8 *follows:*

9 (a) *For* a category C felony as provided in NRS 193.130 and by
10 a fine of not more than \$50,000 ~~†~~

11 ~~2. Is 200 grams or more, but less than 400 grams, for}~~ *if the:*

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

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

16 (b) *For* a category B felony by imprisonment in the state prison
17 for a minimum term of not less than 2 years and a maximum term of
18 not more than 10 years and by a fine of not more than \$100,000 ~~†~~

19 ~~3. Is 400 grams or more, for}~~ *if the:*

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

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

24 (c) *For* a category A felony by *a fine of not more than*
25 *\$250,000 and by imprisonment in the state prison †*

26 ~~(a) For}~~ *for* life with the possibility of parole, with eligibility for
27 parole beginning when a minimum of 5 years has been served ~~†~~ or

28 ~~{(b) For}~~ *for* a definite term of 15 years, with eligibility for
29 parole beginning when a minimum of 5 years has been served,

30 ~~† and by a fine of not more than \$250,000.†~~ *if the:*

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

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

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

38 3. *As used in this section:*

39 (a) *“Aggregate number” means the total number of dosage*
40 *units in violation of this section, regardless of the number of*
41 *dosage units of each controlled substance as described in this*
42 *section that are present in the total number of dosage units.*

43 (b) *“Aggregate weight” means the weight of the entire mixture*
44 *in violation of this section, regardless of the weight of each*



- 1 *controlled substance as described in this section that are present in*
- 2 *the mixture.*
- 3 (c) *“Dosage unit” means a tablet, pill, capsule, vial, ampule or*
- 4 *other identifiable or separated unit designed or packaged to be*
- 5 *used, taken or ingested at one time.*



