

**Amendment No. 609**

Assembly Amendment to Assembly Bill No. 297 (BDR 40-586)

**Proposed by:** Assemblyman Hansen

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MKM/NCA



Date: 4/16/2015

A.B. No. 297—Revises provisions governing trafficking in controlled substances.  
(BDR 40-586)



## 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:**

Existing law provides that a person is guilty of trafficking in a controlled substance if the person sells, manufactures, delivers or brings into this State or knowingly or intentionally possesses certain amounts of controlled substances which are listed in schedule II. (NRS 453.3395) ~~(This bill adds certain controlled substances which are listed in schedule III to the crime of trafficking in controlled substances.)~~ This bill ~~also~~ lowers the threshold aggregate amounts by which a 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:

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

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

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

453.3395 **1.** Except as otherwise provided in NRS 453.011 to 453.552, inclusive, a person who knowingly or intentionally sells, manufactures, delivers or brings into this State , *within a 90-day period*, or who is knowingly or intentionally in actual or constructive possession of any controlled substance ~~(which is)~~ listed in schedule II ~~for schedule III as described in subsection 3)~~ or any mixture which contains any such controlled substance shall be punished, unless a greater penalty is provided pursuant to NRS 453.322, ~~if the quantity involved:~~  
~~— 1. Is 28 grams or more, but less than 200 grams, for~~ *as follows:*

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

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

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

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

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

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

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

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

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

~~(a) For~~ for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served ~~+~~ or

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

~~+~~ and by a fine of not more than \$250,000 ~~+~~ if the:

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

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

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

3. ~~[This section applies to the following schedule III controlled substances:~~

~~(a) Nalorphine.~~

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

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

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

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

~~(4) Not more than 500 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

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

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

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

~~4.] As used in this section:~~

1       (a) "Aggregate number" means the total number of dosage units in violation  
2 of this section, regardless of the number of dosage units of each controlled  
3 substance as described in this section that are present in the total number of  
4 dosage units.

5       (b) "Aggregate weight" means the weight of the entire mixture in violation of  
6 this section, regardless of the weight of each controlled substance as described in  
7 this section that are present in the mixture.

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