



**LEGISLATIVE FISCAL ESTIMATE:**

No

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

Yes

"N.J. prohibits Ecstasy," 6-30-2000 Home News, p.A1

"Whitman oks tougher Ecstasy penalties", 7-4-2000 Home News. P. A3

"Tough law now targets Ecstasy users, sellers," 7-4-2000 Asbury Park Press p.A3

**SENATE, No. 1252**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED MAY 11, 2000

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Upgrades criminal penalties for sale of designer drug MDMA, known as "ecstasy."

**CURRENT VERSION OF TEXT**

As introduced.



S1252 INVERSO

2

1 AN ACT concerning certain controlled dangerous substances and  
2 supplementing Title 2C of the New Jersey Statutes.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.),  
8 it is unlawful for any person knowingly or purposely to manufacture,  
9 distribute or dispense, or to possess or have under his control with  
10 intent to manufacture, distribute or dispense  
11 methylenedioxyamphetamine (MDMA).

12 b. A person who violates subsection a. of this section with respect  
13 to methylenedioxyamphetamine (MDMA) in a quantity of :

14 (1) 100 grams or more; or

15 (2) 400 pills or more;

16 is guilty of a crime of the first degree and, notwithstanding the  
17 provisions of N.J.S.2C:43-3 or any other law, a fine of up to  
18 \$250,000.00 may be imposed upon the person.

19 c. A person who violates subsection a. of this section with respect  
20 to methylenedioxyamphetamine (MDMA) in a quantity of :

21 (1) 25 or more grams but less than 100 grams; or

22 (2) 100 pills or more but less than 400 pills;

23 is guilty of a crime of the second degree and, notwithstanding the  
24 provisions of N.J.S.2C:43-3 or any other law, a fine of up to  
25 \$150,000.00 may be imposed upon the person.

26 d. A person who violates subsection a. of this section with respect  
27 to methylenedioxyamphetamine (MDMA) in a quantity of :

28 (1) less than 25 grams; or

29 (2) less than 100 pills;

30 is guilty of a crime of the third degree and, notwithstanding the  
31 provisions of N.J.S.2C:43-3 or any other law, a fine of up to  
32 \$100,000.00 may be imposed upon the person.

33 As used in this section "pill" includes tablet or capsule.

34  
35 2. This act shall take effect immediately.

36  
37  
38 STATEMENT

39  
40 This bill provides specific criminal penalties for the sale,  
41 manufacture or distribution of methylenedioxyamphetamine  
42 (MDMA), commonly known as "ecstasy."

43 Presently the sale, manufacture or distribution of "ecstasy" may be  
44 prosecuted under N.J.S.A.2C:35-5 b. (13) as a crime of the third  
45 degree. This bill would grade the crime based on either the weight

**S1252 INVERSO**

1 involved or the number of pills, a scheme which more closely follows  
2 other types of controlled dangerous substances. The bill would now  
3 grade the sale, manufacture or distribution of "ecstasy" as follows:

- 4 (1) 100 grams or more; or
- 5 (2) 400 pills or more; is a crime of the first degree.
- 6 (1) 25 or more grams but less than 100 grams; or
- 7 (2) 100 pills or more but less than 400 pills; is a crime of the  
8 second degree.
- 9 (1) less than 25 grams; or
- 10 (2) less than 100 pills; is a crime of the third degree.

11 "Ecstasy" is a synthetic drug that acts simultaneously as a stimulant  
12 and a hallucinogen. Ecstasy is an amphetamine-like drug, and belongs  
13 to a class of drugs known as designer drugs.

14 "Ecstasy" stimulates the central nervous system and produces  
15 hallucinogenic effects. Psychological difficulties include confusion,  
16 depression, sleep problems, drug craving, severe anxiety, and paranoia.  
17 Physical symptoms include muscle tension, involuntary teeth-  
18 clenching, nausea, blurred vision, rapid eye movement, faintness, and  
19 chills or sweating. There are also increases in heart rate and blood  
20 pressure.

21 This bill would enable prosecutors to charge persons who may be  
22 found in possession of 1000 or more pills of "ecstasy" with the intent  
23 to distribute, for example, with a crime of the first degree as opposed  
24 to a crime of the third degree as currently permitted. This fact may  
25 become even more significant if the person arrested has no prior  
26 criminal convictions so that a presumption would arise in favor of  
27 non-incarceration for the first time offender charged with a crime of  
28 the third degree.

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1252**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

ADOPTED JUNE 22, 2000

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**Senator NORMAN M. ROBERTSON**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Senators Turner, Sacco, Sinagra, Assemblyman Holzapfel,  
Assemblywomen Heck, Weinberg and Assemblyman R.Smith**

**SYNOPSIS**

Increases the criminal penalties for manufacture or distribution of MDMA, known as "ecstasy," and MDA.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Senate Judiciary Committee.



**(Sponsorship Updated As Of: 6/30/2000)**

1 **AN ACT** concerning certain controlled dangerous substances and  
2 amending N.J.S.2C:35-5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2C:35-5 is amended to read as follows:

8 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
9 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
10 unlawful for any person knowingly or purposely:

11 (1) To manufacture, distribute or dispense, or to possess or have  
12 under his control with intent to manufacture, distribute or dispense, a  
13 controlled dangerous substance or controlled substance analog; or

14 (2) To create, distribute, or possess or have under his control with  
15 intent to distribute, a counterfeit controlled dangerous substance.

16 b. Any person who violates subsection a. with respect to:

17 (1) Heroin, or its analog, or coca leaves and any salt, compound,  
18 derivative, or preparation of coca leaves, and any salt, compound,  
19 derivative, or preparation thereof which is chemically equivalent or  
20 identical with any of these substances, or analogs, except that the  
21 substances shall not include decocainized coca leaves or extractions  
22 which do not contain cocaine or ecogine, or 3,4-  
23 methylenedioxymethamphetamine or 3,4-methylenedioxyamphetamine,  
24 in a quantity of five ounces or more including any adulterants or  
25 dilutants is guilty of a crime of the first degree. The defendant shall,  
26 except as provided in N.J.S.2C:35-12, be sentenced to a term of  
27 imprisonment by the court. The term of imprisonment shall include the  
28 imposition of a minimum term which shall be fixed at, or between,  
29 one-third and one-half of the sentence imposed, during which the  
30 defendant shall be ineligible for parole. Notwithstanding the  
31 provisions of subsection a. of N.J.S.2C:43-3, a fine of up to  
32 \$500,000.00 may be imposed;

33 (2) A substance referred to in paragraph (1) of this subsection, in  
34 a quantity of one-half ounce or more but less than five ounces,  
35 including any adulterants or dilutants is guilty of a crime of the second  
36 degree;

37 (3) A substance referred to paragraph (1) of this subsection in a  
38 quantity less than one-half ounce including any adulterants or dilutants  
39 is guilty of a crime of the third degree except that, notwithstanding the  
40 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to  
41 \$75,000.00 may be imposed;

42 (4) A substance classified as a narcotic drug in Schedule I or II  
43 other than those specifically covered in this section, or the analog of

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 any such substance, in a quantity of one ounce or more including any  
2 adulterants or dilutants is guilty of a crime of the second degree;

3 (5) A substance classified as a narcotic drug in Schedule I or II  
4 other than those specifically covered in this section, or the analog of  
5 any such substance, in a quantity of less than one ounce including any  
6 adulterants or dilutants is guilty of a crime of the third degree except  
7 that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
8 a fine of up to \$75,000.00 may be imposed;

9 (6) Lysergic acid diethylamide, or its analog, in a quantity of 100  
10 milligrams or more including any adulterants or dilutants, or  
11 phencyclidine, or its analog, in a quantity of 10 grams or more  
12 including any adulterants or dilutants, is guilty of a crime of the first  
13 degree. Except as provided in N.J.S.2C:35-12, the court shall impose  
14 a term of imprisonment which shall include the imposition of a  
15 minimum term, fixed at, or between, one-third and one-half of the  
16 sentence imposed by the court, during which the defendant shall be  
17 ineligible for parole. Notwithstanding the provisions of subsection a.  
18 of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

19 (7) Lysergic acid diethylamide, or its analog, in a quantity of less  
20 than 100 milligrams including any adulterants or dilutants, or where  
21 the amount is undetermined, or phencyclidine, or its analog, in a  
22 quantity of less than 10 grams including any adulterants or dilutants,  
23 or where the amount is undetermined, is guilty of a crime of the  
24 second degree;

25 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
26 (P2P), in a quantity of five ounces or more including any adulterants  
27 or dilutants is guilty of a crime of the first degree. Notwithstanding the  
28 provisions of subsection a. of N.J.S.2C:43-3, a fine of up to  
29 \$300,000.00 may be imposed;

30 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
31 (P2P), in a quantity of one-half ounce or more but less than five  
32 ounces including any adulterants or dilutants is guilty of a crime of the  
33 second degree;

34 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
35 (P2P), in a quantity of less than one-half ounce including any  
36 adulterants or dilutants is guilty of a crime of the third degree except  
37 that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
38 a fine of up to \$75,000.00 may be imposed;

39 (10) (a) Marijuana in a quantity of 25 pounds or more including  
40 any adulterants or dilutants, or more than 50 marijuana plants,  
41 regardless of weight, or hashish in a quantity of five pounds or more  
42 including any adulterants or dilutants, is guilty of a crime of the first  
43 degree. Notwithstanding the provisions of subsection a. of  
44 N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

45 (b) Marijuana in a quantity of five pounds or more but less than 25  
46 pounds including any adulterants or dilutants, or 10 or more but fewer



1 than 50 marijuana plants, regardless of weight, or hashish in a quantity  
2 of one pound or more but less than five pounds, including any  
3 adulterants and dilutants, is guilty of a crime of the second degree;

4 (11) Marijuana in a quantity of one ounce or more but less than  
5 five pounds including any adulterants or dilutants, or hashish in a  
6 quantity of five grams or more but less than one pound including any  
7 adulterants or dilutants, is guilty of a crime of the third degree except  
8 that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
9 a fine of up to \$25,000.00 may be imposed;

10 (12) Marijuana in a quantity of less than one ounce including any  
11 adulterants or dilutants, or hashish in a quantity of less than five grams  
12 including any adulterants or dilutants, is guilty of a crime of the fourth  
13 degree;

14 (13) Any other controlled dangerous substance classified in  
15 Schedule I, II, III or IV, or its analog, is guilty of a crime of the third  
16 degree, except that, notwithstanding the provisions of subsection b. of  
17 N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed; or

18 (14) Any Schedule V substance, or its analog, is guilty of a crime  
19 of the fourth degree except that, notwithstanding the provisions of  
20 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be  
21 imposed.

22 c. Where the degree of the offense for violation of this section  
23 depends on the quantity of the substance, the quantity involved shall  
24 be determined by the trier of fact. Where the indictment or accusation  
25 so provides, the quantity involved in individual acts of manufacturing,  
26 distribution, dispensing or possessing with intent to distribute may be  
27 aggregated in determining the grade of the offense, whether  
28 distribution or dispensing is to the same person or several persons,  
29 provided that each individual act of manufacturing, distribution,  
30 dispensing or possession with intent to distribute was committed  
31 within the applicable statute of limitations.

32 (cf: P.L.1997, c.186, s.3)

33

34 2. This act shall take effect immediately.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 1252**

**STATE OF NEW JERSEY**

DATED: JUNE 22, 2000

The Senate Judiciary Committee reports favorably a Senate committee substitute for Senate Bill No. 1252.

SCS for S1252 would increase the penalties for the distribution, manufacture or possession with the intent to distribute 3,4-methylenedioxyamphetamine (MDMA or "Ecstasy") and 3,4-methylenedioxyamphetamine (MDA). Specifically, the committee substitute would make the illegal manufacture, distribution, dispensing or possession with intent to distribute a first degree crime if the quantity involved is five ounces or more. The term of imprisonment must include the imposition of a minimum term of one-third to one-half of the sentence imposed, during which the defendant would be ineligible for parole. If the quantity involved in the offense is one-half ounce or more but less than five ounces, it would be a crime of the second degree. If the quantity involved is less than one-half ounce, it would be a third degree crime.

This substitute is identical to Assembly Committee Substitute for Assembly Bill Nos. 2629 and 2589.

P.L. 2000, CHAPTER 55, *approved July 3, 2000*

Senate Committee Substitute for  
Senate, No. 1252

1 AN ACT concerning certain controlled dangerous substances and  
2 amending N.J.S.2C:35-5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. N.J.S.2C:35-5 is amended to read as follows:

8 2C:35-5. Manufacturing, Distributing or Dispensing. a. Except  
9 as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be  
10 unlawful for any person knowingly or purposely:

11 (1) To manufacture, distribute or dispense, or to possess or have  
12 under his control with intent to manufacture, distribute or dispense, a  
13 controlled dangerous substance or controlled substance analog; or

14 (2) To create, distribute, or possess or have under his control with  
15 intent to distribute, a counterfeit controlled dangerous substance.

16 b. Any person who violates subsection a. with respect to:

17 (1) Heroin, or its analog, or coca leaves and any salt, compound,  
18 derivative, or preparation of coca leaves, and any salt, compound,  
19 derivative, or preparation thereof which is chemically equivalent or  
20 identical with any of these substances, or analogs, except that the  
21 substances shall not include decocainized coca leaves or extractions  
22 which do not contain cocaine or ecogine, or 3,4-  
23 methylenedioxyamphetamine or 3,4-methylenedioxyamphetamine.  
24 in a quantity of five ounces or more including any adulterants or  
25 dilutants is guilty of a crime of the first degree. The defendant shall,  
26 except as provided in N.J.S.2C:35-12, be sentenced to a term of  
27 imprisonment by the court. The term of imprisonment shall include the  
28 imposition of a minimum term which shall be fixed at, or between,  
29 one-third and one-half of the sentence imposed, during which the  
30 defendant shall be ineligible for parole. Notwithstanding the  
31 provisions of subsection a. of N.J.S.2C:43-3, a fine of up to  
32 \$500,000.00 may be imposed;

33 (2) A substance referred to in paragraph (1) of this subsection, in  
34 a quantity of one-half ounce or more but less than five ounces,  
35 including any adulterants or dilutants is guilty of a crime of the second  
36 degree;

37 (3) A substance referred to paragraph (1) of this subsection in a  
38 quantity less than one-half ounce including any adulterants or dilutants  
39 is guilty of a crime of the third degree except that, notwithstanding the  
40 provisions of subsection b. of N.J.S.2C:43-3, a fine of up to

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 \$75,000.00 may be imposed;

2 (4) A substance classified as a narcotic drug in Schedule I or II  
3 other than those specifically covered in this section, or the analog of  
4 any such substance, in a quantity of one ounce or more including any  
5 adulterants or dilutants is guilty of a crime of the second degree;

6 (5) A substance classified as a narcotic drug in Schedule I or II  
7 other than those specifically covered in this section, or the analog of  
8 any such substance, in a quantity of less than one ounce including any  
9 adulterants or dilutants is guilty of a crime of the third degree except  
10 that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
11 a fine of up to \$75,000.00 may be imposed;

12 (6) Lysergic acid diethylamide, or its analog, in a quantity of 100  
13 milligrams or more including any adulterants or dilutants, or  
14 phencyclidine, or its analog, in a quantity of 10 grams or more  
15 including any adulterants or dilutants, is guilty of a crime of the first  
16 degree. Except as provided in N.J.S.2C:35-12, the court shall impose  
17 a term of imprisonment which shall include the imposition of a  
18 minimum term, fixed at, or between, one-third and one-half of the  
19 sentence imposed by the court, during which the defendant shall be  
20 ineligible for parole. Notwithstanding the provisions of subsection a.  
21 of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

22 (7) Lysergic acid diethylamide, or its analog, in a quantity of less  
23 than 100 milligrams including any adulterants or dilutants, or where  
24 the amount is undetermined, or phencyclidine, or its analog, in a  
25 quantity of less than 10 grams including any adulterants or dilutants,  
26 or where the amount is undetermined, is guilty of a crime of the  
27 second degree;

28 (8) Methamphetamine, or its analog, or phenyl-2-propanone  
29 (P2P), in a quantity of five ounces or more including any adulterants  
30 or dilutants is guilty of a crime of the first degree. Notwithstanding the  
31 provisions of subsection a. of N.J.S.2C:43-3, a fine of up to  
32 \$300,000.00 may be imposed;

33 (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone  
34 (P2P), in a quantity of one-half ounce or more but less than five  
35 ounces including any adulterants or dilutants is guilty of a crime of the  
36 second degree;

37 (b) Methamphetamine, or its analog, or phenyl-2-propanone  
38 (P2P), in a quantity of less than one-half ounce including any  
39 adulterants or dilutants is guilty of a crime of the third degree except  
40 that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
41 a fine of up to \$75,000.00 may be imposed;

42 (10) (a) Marijuana in a quantity of 25 pounds or more including  
43 any adulterants or dilutants, or more than 50 marijuana plants,  
44 regardless of weight, or hashish in a quantity of five pounds or more  
45 including any adulterants or dilutants, is guilty of a crime of the first  
46 degree. Notwithstanding the provisions of subsection a. of

1 N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

2 (b) Marijuana in a quantity of five pounds or more but less than 25  
3 pounds including any adulterants or dilutants, or 10 or more but fewer  
4 than 50 marijuana plants, regardless of weight, or hashish in a quantity  
5 of one pound or more but less than five pounds, including any  
6 adulterants and dilutants, is guilty of a crime of the second degree;

7 (11) Marijuana in a quantity of one ounce or more but less than  
8 five pounds including any adulterants or dilutants, or hashish in a  
9 quantity of five grams or more but less than one pound including any  
10 adulterants or dilutants, is guilty of a crime of the third degree except  
11 that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3,  
12 a fine of up to \$25,000.00 may be imposed;

13 (12) Marijuana in a quantity of less than one ounce including any  
14 adulterants or dilutants, or hashish in a quantity of less than five grams  
15 including any adulterants or dilutants, is guilty of a crime of the fourth  
16 degree;

17 (13) Any other controlled dangerous substance classified in  
18 Schedule I, II, III or IV, or its analog, is guilty of a crime of the third  
19 degree, except that, notwithstanding the provisions of subsection b. of  
20 N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed; or

21 (14) Any Schedule V substance, or its analog, is guilty of a crime  
22 of the fourth degree except that, notwithstanding the provisions of  
23 subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be  
24 imposed.

25 c. Where the degree of the offense for violation of this section  
26 depends on the quantity of the substance, the quantity involved shall  
27 be determined by the trier of fact. Where the indictment or accusation  
28 so provides, the quantity involved in individual acts of manufacturing,  
29 distribution, dispensing or possessing with intent to distribute may be  
30 aggregated in determining the grade of the offense, whether  
31 distribution or dispensing is to the same person or several persons,  
32 provided that each individual act of manufacturing, distribution,  
33 dispensing or possession with intent to distribute was committed  
34 within the applicable statute of limitations.

35 (cf: P.L.1997, c.186, s.3)

36

37 2. This act shall take effect immediately.

38

39

40

41

42 \_\_\_\_\_  
43 Increases the criminal penalties for manufacture or distribution of  
MDMA, known as "ecstasy," and MDA.

## CHAPTER 55

AN ACT concerning certain controlled dangerous substances and amending N.J.S.2C:35-5.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

1. N.J.S.2C:35-5 is amended to read as follows:

Manufacturing, distributing or dispensing.

2C:35-5. Manufacturing, Distributing or Dispensing. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.), it shall be unlawful for any person knowingly or purposely:

- (1) To manufacture, distribute or dispense, or to possess or have under his control with intent to manufacture, distribute or dispense, a controlled dangerous substance or controlled substance analog; or

- (2) To create, distribute, or possess or have under his control with intent to distribute, a counterfeit controlled dangerous substance.

b. Any person who violates subsection a. with respect to:

- (1) Heroin, or its analog, or coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, or analogs, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecogine, or 3,4-methylenedioxyamphetamine or 3,4-methylenedioxyamphetamine, in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. The defendant shall, except as provided in N.J.S.2C:35-12, be sentenced to a term of imprisonment by the court. The term of imprisonment shall include the imposition of a minimum term which shall be fixed at, or between, one-third and one-half of the sentence imposed, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

- (2) A substance referred to in paragraph (1) of this subsection, in a quantity of one-half ounce or more but less than five ounces, including any adulterants or dilutants is guilty of a crime of the second degree;

- (3) A substance referred to in paragraph (1) of this subsection in a quantity less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

- (4) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants is guilty of a crime of the second degree;

- (5) A substance classified as a narcotic drug in Schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

- (6) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine, or its analog, in a quantity of 10 grams or more including any adulterants or dilutants, is guilty of a crime of the first degree. Except as provided in N.J.S.2C:35-12, the court shall impose a term of imprisonment which shall include the imposition of a minimum term, fixed at, or between, one-third and one-half of the sentence imposed by the court, during which the defendant shall be ineligible for parole. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$500,000.00 may be imposed;

- (7) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine, or its analog, in a quantity of less than 10 grams including any adulterants or dilutants, or where the amount is undetermined, is guilty of a crime of the second degree;

- (8) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of five ounces or more including any adulterants or dilutants is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

- (9) (a) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of

one-half ounce or more but less than five ounces including any adulterants or dilutants is guilty of a crime of the second degree;

(b) Methamphetamine, or its analog, or phenyl-2-propanone (P2P), in a quantity of less than one-half ounce including any adulterants or dilutants is guilty of a crime of the third degree except that notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$75,000.00 may be imposed;

(10) (a) Marijuana in a quantity of 25 pounds or more including any adulterants or dilutants, or more than 50 marijuana plants, regardless of weight, or hashish in a quantity of five pounds or more including any adulterants or dilutants, is guilty of a crime of the first degree. Notwithstanding the provisions of subsection a. of N.J.S.2C:43-3, a fine of up to \$300,000.00 may be imposed;

(b) Marijuana in a quantity of five pounds or more but less than 25 pounds including any adulterants or dilutants, or 10 or more but fewer than 50 marijuana plants, regardless of weight, or hashish in a quantity of one pound or more but less than five pounds, including any adulterants and dilutants, is guilty of a crime of the second degree;

(11) Marijuana in a quantity of one ounce or more but less than five pounds including any adulterants or dilutants, or hashish in a quantity of five grams or more but less than one pound including any adulterants or dilutants, is guilty of a crime of the third degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed;

(12) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than five grams including any adulterants or dilutants, is guilty of a crime of the fourth degree;

(13) Any other controlled dangerous substance classified in Schedule I, II, III or IV, or its analog, is guilty of a crime of the third degree, except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed; or

(14) Any Schedule V substance, or its analog, is guilty of a crime of the fourth degree except that, notwithstanding the provisions of subsection b. of N.J.S.2C:43-3, a fine of up to \$25,000.00 may be imposed.

c. Where the degree of the offense for violation of this section depends on the quantity of the substance, the quantity involved shall be determined by the trier of fact. Where the indictment or accusation so provides, the quantity involved in individual acts of manufacturing, distribution, dispensing or possessing with intent to distribute may be aggregated in determining the grade of the offense, whether distribution or dispensing is to the same person or several persons, provided that each individual act of manufacturing, distribution, dispensing or possession with intent to distribute was committed within the applicable statute of limitations. (cf: P.L.1997, c.186, s.3)

2. This act shall take effect immediately.

Approved July 3, 2000.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: July 3, 2000

## Governor Signs Law Mandating Tougher Sentences for Ecstasy Drug

Gov. Whitman today signed into law legislation that strengthens the criminal penalties for possessing and selling the "club drug" Ecstasy (MDMA), placing the prison sentences for those offenses on a par with that of cocaine and heroin.

Noting the rising popularity and the harmful effects of the drug, including death, the Governor said the new law would make it a first degree crime to manufacture, distribute, dispense or possess with the intent to distribute Ecstasy. The Governor said that anyone who possesses five ounces or more of the drug would face a maximum 20 years in prison and a fine of up to \$500,000.

"Today, on the eve of Independence Day, we continue our fight against dependency - drug dependency - by taking up arms against Ecstasy," the Governor said. "Because the use of Ecstasy is growing - but is not yet as common as other drugs - we are doing something now. The legislation that becomes law today gives our law enforcement officers a new weapon to prevent an explosion in the use of this drug."

Under the bill signed into law, S-1252, defendants could face charges of a first, second or third degree, depending on the quantity of pills possessed. If a person is charged with possessing one-half ounce or less, the charge would be a third degree, punishable by up to five years in prison. If the charge is possessing between one-half ounce and five ounces, the charge is a second degree offense, punishable by up to 10 years in prison. If a person is charged with possessing five ounces or more, it would be a first degree offense, punishable by up to 20 years in prison. Five ounces of Ecstasy represents approximately 500 pills. Previously, a person found guilty of possessing any amount of the drug, whether two pills or 20,000 pills, could only be charged with a third-degree offense, which does not guarantee any jail time.

"The new law puts Ecstasy dealers on notice: we won't tolerate trafficking in this drug, and we will punish you severely if you do," said Gov. Whitman.

"This new law sends a message to New Jersey's young people as well: stay away from Ecstasy. In fact, stay away from all drugs," said the Governor. "A quick thrill isn't worth the threat of long-term damage to your health and your future."

The Governor thanked the members of the Legislature for their overwhelming support of the bill, and singled out Senators Inverso and Robertson and Assemblymen DiGaetano and Gregg, who sponsored the bill in their respective houses.



First Assistant Attorney General Paul Zoubek thanked Governor Whitman and the Legislature for acting so responsively on the bill.

"Whenever law enforcement has come to the Governor and Legislature to ask for a new tool to battle crime or drugs, the response has been immediate and non-partisan," Zoubek said.

He noted that in the three weeks since the Governor proposed strengthening the law against Ecstasy, state and local law enforcement officials have been busy combating Ecstasy use. He said that law enforcement officials had either made arrests and/or taken action against licensed establishments in Atlantic, Mercer, Middlesex and Ocean counties. In addition, the state Division of Alcoholic Beverage Control (ABC) closed down the night club Delirium in Margate as a result of arrests made at the bar for the possession and distribution of Ecstasy.

Zoubek also noted that starting this past Saturday the Attorney General's Office began running a radio announcement statewide warning young people about the physiological and psychological dangers of Ecstasy. Also, the office has designed a poster for distribution to licensed beverage establishments and teen clubs that do not serve alcohol indicating that narcotics officers will be working undercover in heightened enforcement details throughout the summer.

"As the summer season goes into high gear this week, we want New Jersey's young people -- and their parents -- to understand that Ecstasy is not a benign drug.

The law the Governor signed today clearly acknowledges that fact," Zoubek said.

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For more information on Ecstasy (MDMA), a fact sheet from the state Department of Health and Senior Services is available on the department's Web site at:

[www.state.nj.us/health/as/ecstacy.htm](http://www.state.nj.us/health/as/ecstacy.htm).