

24:21-19, 20

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LEGISLATIVE FACT SHEET

on *Controlled Dangerous Substances -- increases penalties*

N.J.R.S. 24:21-19, 20

(1975 Amendment)

LAWS OF 1975

SENATE BILL 850 (2nd OCR)

INTRODUCED Feb. 15, 1974

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING

VETO

BACKGROUND:

974.90 New Jersey. Division of Criminal Justice.
N222 Report on the Controlled Dangerous Substances Act.
1973c

974.90 New Jersey. Commission to study & review the penalties imposed upon
N222 individuals convicted of using certain substances subject to the
1974 provisions of the "N.J. Controlled Dangerous Substances Act...".
Public hearing before Drug Study Commission at Rahway State Prison...

974.90 New Jersey. Commission to Study & Review the Penalties imposed upon
N222 individuals convicted...
1974a First Report to the Legislature, Oct. 1974.

974.90 New Jersey. Commission to Study...Penalties...Subject to...N.J. Controlled
N222 Dangerous Substances Act...
1975b Second Report to the Legislature, July 1975.

CHAPTER 31 March 7, 1975

ASSEMBLY BILL

BY *Greenberg and others*

YES NO

YES NO

YES NO

YES NO

YES NO

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SENATE, No. 850

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Senators GREENBERG, TUMULTY, MERLINO and RUSSO

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970 (P. L. 1970, c. 226).

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

1 1. Section 19 of P. L. 1970, c. 226 (C. 24:21-19) is amended to
2 read as follows:

3 19. a. Except as authorized by this act, it shall be unlawful for
4 any person *knowingly or intentionally:*

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

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

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

12 (1) A substance, *in a quantity of less than one ounce *including*
13 *any adulterants or dilutents**, classified in Schedules I or II which
14 is a narcotic drug is guilty of a high misdemeanor and shall be
15 punished by imprisonment for not more than 12 years, a fine of
15A not more than \$25,000.00, or both; or

16 (2) *A substance, in a quantity of one ounce or more *including*
17 *any adulterants or dilutents**, classified in Schedules I or II which
18 *is a narcotic drug is guilty of a high misdemeanor and shall be*
19 *punished by imprisonment for up to life, a fine of not more than*
19A *\$25,000.00, or both; or*

20 (3) **[(2)]** Any other controlled dangerous substance classified
21 in Schedules I, II, III or IV is guilty of a high misdemeanor and
22 shall be punished by imprisonment for not more than 5 years, a
23 fine of not more than \$15,000.00, or both; or

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

24 (4) **[(3)]** A substance classified in Schedule V is guilty of a
 25 misdemeanor and shall be punished by imprisonment for not more
 26 than 1 year, a fine of not more than \$5,000.00, or both.

1 2. Section 20 of P. L. 1970, c. 226 (C. 24:21-20) is amended to
 2 read as follows:

3 20. a. It is unlawful for any person, knowingly or intentionally,
 4 to obtain, or to possess, actually or constructively, a controlled
 5 dangerous substance unless such substance was obtained directly,
 6 or pursuant to a valid prescription or order from a practitioner,
 7 while acting in the course of his professional practice, or except
 8 as otherwise authorized by this act. Any person who violates this
 9 section with respect to:

10 (1) A substance, *in a quantity of less than 1 ounce *including any*
 11 *adulterants or dilutents**, classified in Schedule I or II which is a
 12 narcotic drug and any other controlled dangerous substance classi-
 13 fied in Schedule I, II, III or IV is guilty of a high misdemeanor and
 14 shall be punished by imprisonment for not more than 5 years, a
 15 fine of not more than \$15,000.00, or both, except as provided in
 15A subsection a.**[(3)]** (4) below;

16 (2) *A substance, in a quantity of 1 ounce or more *including any*
 17 *adulterants or dilutents**, classified in Schedule I or II which is a
 18 narcotic drug is guilty of a high misdemeanor and shall be punished
 19 by imprisonment for not more than 7 years, a fine of not more than
 19A \$15,000.00, or both;

20 (3) **[(2)]** Any controlled dangerous substance classified in
 21 Schedule V is guilty of a misdemeanor and shall be punished by
 22 imprisonment of not more than 1 year, a fine of not more than
 23 \$5,000.00, or both; or

24 (4) **[(3)]** Possession of more than 25 grams of marihuana,
 25 including any adulterants or dilutants, or more than 5 grams of
 26 hashish is guilty of a high misdemeanor and shall be punished by
 27 imprisonment for not more than 5 years, a fine of not more than
 28 \$15,000.00, or both; provided, however, that any person who violates
 29 this section with respect to 25 grams or less of marihuana, including
 30 any adulterants or dilutants, or 5 grams or less of hashish is a
 31 disorderly person.

32 b. Any person who uses or who is under the influence of any
 33 controlled dangerous substance, as defined in this act, for a purpose
 34 other than the treatment of sickness or injury as prescribed or
 35 administered by a person duly authorized by law to treat sick and
 36 injured human beings, is a disorderly person.

37 In a prosecution under this subsection, it shall not be necessary
38 for the State to prove that the accused did use or was under the
39 influence of any specific narcotic drug or drugs, but it shall be suffi-
40 cient for a conviction under this subsection for the State to prove
41 that the accused did use or was under the influence of some con-
42 trolled dangerous substance or counterfeit controlled dangerous
43 substance as defined in this act, by providing that the accused did
44 manifest physical and physiological symptoms or reactions caused
45 by the use of any controlled dangerous substance.

46 c. In addition to the general penalty prescribed for a disorderly
47 person's offense pursuant to N. J. S. 2A:169-4, every person ad-
48 judged a disorderly person for a violation of this subsection shall,
49 at the discretion of the sentencing judge, forthwith forfeit his right
50 to operate a motor vehicle over the highways of this State for a
51 period of not more than 2 years from the date of his conviction and
52 until such privilege shall be restored to him by the Director of
53 Motor Vehicles upon application to and after certification by a
54 physician to the director that such person is not a drug dependent
55 person within the meaning of this act. The court before whom any
56 person is convicted of a violation of this section shall cause a report
57 of such conviction to be filed with the Director of Motor Vehicles.

1 3. This act shall take effect immediately, but shall not affect
2 the sentencing of a person convicted of a violation occurring before
3 the effective date.

ASSEMBLY AMENDMENTS TO

SENATE, No. 850

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 20, 1975

Amend page 1, section 1, line 14, after "drug", insert ", or in a quantity of 1 ounce or more with there being included less than 3.5 grams of the pure Schedule I or II narcotic drug,".

Amend page 1, section 1, line 18, after "drug", insert ", provided that there are included at least 3.5 grams of the pure Schedule I or II narcotic drug,".

Amend page 2, section 2, line 12, after "drug", insert ", or in a quantity of 1 ounce or more with there being included less than 3.5 grams of the pure Schedule I or II narcotic drug,".

Amend page 2, section 2, line 18, after "drug", insert ", provided that there are included at least 3.5 grams of the pure Schedule I or II narcotic drug,".

SENATE AMENDMENTS TO
SENATE, No. 850
[ASSEMBLY REPRINT (OFFICIAL COPY REPRINT)]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 27, 1975

Amend page 1, section 1, line 15, after the word "pure", insert "free base".

Amend page 1, section 1, line 19, after the word "pure", insert "free base".

Amend page 2, section 2, line 13, after the word "pure", insert "free base".

Amend page 2, section 2, line 19, after the word "pure", insert "free base".

FROM THE OFFICE OF THE GOVERNOR

MARCH 7, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Friday a bill which increases the available penalties for the possession and distribution of narcotics.

The measure was signed at a public ceremony in the Governor's Office. Present at the ceremony were the bill's chief sponsors, Senator Martin L. Greenberg and Assemblyman Richard J. Codey, both D-Essex.

"One of the greatest menaces to society and to effective law enforcement is the large-scale drug pusher," said Byrne. "This bill makes it clear to these drug pushers that they may be sentenced to life imprisonment."

He noted that the new law fulfills a pledge he made during his gubernatorial campaign.

The bill, S-850, provides for sentences of up to life imprisonment for pushers of hard drugs such as heroin or cocaine. The sentence could be imposed on persons convicted of manufacturing or distributing hard drugs in a quantity of one ounce or more, including at least 3.5 grams of the pure narcotic.

The penalty for persons convicted of manufacturing or distributing lesser amounts would remain at up to 12 years in prison.

The new law also increases the maximum penalty for possession of more than an ounce of hard drugs from five years to seven years.

The bill is effective immediately, but does not affect the sentencing of a person convicted of a violation which took place prior to the effective date.

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