

ASSEMBLY BILL

No. 721

Introduced by Assembly Member Bradford

February 21, 2013

An act to amend Sections 11352 and 11379 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 721, as introduced, Bradford. Controlled substances: transporting with intent to sell.

Existing law categorizes controlled substances into 5 schedules and restrictions on those contained in Schedule I. Existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule I and II controlled substances, or any Schedule III, IV, or V controlled substance which is a narcotic drug, unless upon written prescription, as specified.

This bill would instead make the transportation of those controlled substances unlawful if an individual also has the intent to sell.

Existing law, subject to exceptions, makes it an offense to, among other things, transport specified Schedule III, IV, or V controlled substances which are not a narcotic drug, unless upon written prescription, as specified.

This bill would instead make that portion of the offense transporting those controlled substances with the intent to sell.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11352 of the Health and Safety Code is amended to read:

11352. (a) Except as otherwise provided in this division, every person who transports *with the intent to sell*, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

SEC. 2. Section 11379 of the Health and Safety Code is amended to read:

11379. (a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports *with the intent to sell*, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5)

1 specified in subdivision (d) or (e), except paragraph (3) of
2 subdivision (e), or specified in subparagraph (A) of paragraph (1)
3 of subdivision (f), of Section 11055, unless upon the prescription
4 of a physician, dentist, podiatrist, or veterinarian, licensed to
5 practice in this state, shall be punished by imprisonment pursuant
6 to subdivision (h) of Section 1170 of the Penal Code for a period
7 of two, three, or four years.

8 (b) Notwithstanding the penalty provisions of subdivision (a),
9 any person who transports for sale any controlled substances
10 specified in subdivision (a) within this state from one county to
11 another noncontiguous county shall be punished by imprisonment
12 pursuant to subdivision (h) of Section 1170 of the Penal Code for
13 three, six, or nine years.