

ASSEMBLY BILL

No. 730

Introduced by Assembly Member Quirk

February 25, 2015

An act to amend Sections 11360, 11379.5, and 11391 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

AB 730, as introduced, Quirk. Controlled substances: transport.

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 marijuana, phencyclidine, as specified, and mushrooms containing certain controlled substances, as provided.

This bill would instead define “transport” for those purposes to mean to transport for sale.

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

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

- 1 SECTION 1. Section 11360 of the Health and Safety Code is
- 2 amended to read:
- 3 11360. (a) Except as otherwise provided by this section or as
- 4 authorized by law, every person who transports, imports into this
- 5 state, sells, furnishes, administers, or gives away, or offers to
- 6 transport, import into this state, sell, furnish, administer, or give
- 7 away, or attempts to import into this state or transport any
- 8 marijuana shall be punished by imprisonment pursuant to

1 subdivision (h) of Section 1170 of the Penal Code for a period of
2 two, three or four years.

3 (b) Except as authorized by law, every person who gives away,
4 offers to give away, transports, offers to transport, or attempts to
5 transport not more than 28.5 grams of marijuana, other than
6 concentrated cannabis, is guilty of a misdemeanor and shall be
7 punished by a fine of not more than one hundred dollars (\$100).
8 In any case in which a person is arrested for a violation of this
9 subdivision and does not demand to be taken before a magistrate,
10 such person shall be released by the arresting officer upon
11 presentation of satisfactory evidence of identity and giving his
12 written promise to appear in court, as provided in Section 853.6
13 of the Penal Code, and shall not be subjected to booking.

14 (c) *For purposes of this section, “transport” means to transport*
15 *for sale.*

16 (d) *This section does not preclude or limit prosecution for any*
17 *aiding and abetting or conspiracy offenses.*

18 SEC. 2. Section 11379.5 of the Health and Safety Code is
19 amended to read:

20 11379.5. (a) Except as otherwise provided in subdivision (b)
21 and in Article 7 (commencing with Section 4211) of Chapter 9 of
22 Division 2 of the Business and Professions Code, every person
23 who transports, imports into this state, sells, furnishes, administers,
24 or gives away, or offers to transport, import into this state, sell,
25 furnish, administer, or give away, or attempts to import into this
26 state or transport phencyclidine or any of its analogs which is
27 specified in paragraph (21), (22), or (23) of subdivision (d) of
28 Section 11054 or in paragraph (3) of subdivision (e) of Section
29 11055, or its precursors as specified in subparagraph (A) or (B)
30 of paragraph (2) of subdivision (f) of Section 11055, unless upon
31 the prescription of a physician, dentist, podiatrist, or veterinarian
32 licensed to practice in this state, shall be punished by imprisonment
33 pursuant to subdivision (h) of Section 1170 of the Penal Code for
34 a period of three, four, or five years.

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

1 (c) For purposes of this section, “transport” means to transport
2 for sale.

3 (d) This section does not preclude or limit prosecution for any
4 aiding and abetting or conspiracy offenses.

5 SEC. 3. Section 11391 of the Health and Safety Code is
6 amended to read:

7 11391. (a) Except as otherwise authorized by law, every
8 person who transports, imports into this state, sells, furnishes, gives
9 away, or offers to transport, import into this state, sell, furnish, or
10 give away any spores or mycelium capable of producing
11 mushrooms or other material which contain a controlled substance
12 specified in paragraph (18) or (19) of subdivision (d) of Section
13 11054 for the purpose of facilitating a violation of Section 11390
14 shall be punished by imprisonment in the county jail for a period
15 of not more than one year or in the state prison.

16 (b) For purposes of this section, “transport” means to transport
17 for sale.

18 (c) This section does not preclude or limit prosecution for any
19 aiding and abetting or conspiracy offenses.