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## Public Safety Committee

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### HB 1087

**Brief Description:** Reducing the penalty for possession of controlled substances.

**Sponsors:** Representatives Appleton and Macri.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Reduces the penalty for unlawful possession of a controlled substance from a class C felony to a misdemeanor.</li></ul>
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**Hearing Date:** 1/23/17

**Staff:** Omeara Harrington (786-7136).

#### **Background:**

##### Controlled Substances.

A controlled substance is defined as a drug, substance, or immediate precursor included in Schedules I through V as set forth in federal or state laws, or federal or state board of pharmacy rules. The schedule a substance is placed in depends on its potential for abuse, whether there is a currently accepted medical use in treatment, and the safety of the substance and risk for dependence, as determined by the Pharmacy Quality Assurance Commission.

It is unlawful for any person to possess a controlled substance unless the substance was obtained pursuant to a valid prescription or order of a medical practitioner while acting in the course of his or her professional practice.

##### Criminal Penalties.

Maximum criminal penalties are established in statute as follows:

- For class A felonies, life imprisonment, a fine of up to \$50,000, or both imprisonment and a fine.
- For class B felonies, 10 years imprisonment, a fine of \$20,000, or both imprisonment and a fine.

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- For class C felonies, five years imprisonment, a fine of \$10,000, or both imprisonment and a fine.
- For gross misdemeanors, 364 days, a fine of \$5,000, or both imprisonment and a fine.
- For misdemeanors, 90 days, a fine of \$1,000, or both imprisonment and a fine.

Criminal Penalties for Drug Offenses.

Drug offenses are sentenced according to a drug sentencing grid that takes into account the seriousness level of the offense, as defined in statute, and the "offender score" of the person being sentenced, which is based on the offender's individual criminal history.

Unlawful possession of a controlled substance is a class C felony, ranked as a seriousness level I offense. Depending on the offender score, the term of confinement may range from zero to 24 months.

**Summary of Bill:**

The penalty for unlawful possession of a controlled substance is lowered from a class C felony to a misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2017.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.