

March 13, 1980

LB 696

The State Patrol laboratory has provided the Judiciary Committee with information in this regard. The State Patrol labs contend that none of the natural state marijuana which they have tested exceeds 6%. Of course the Judiciary Committee has had no way of knowing exactly how many different types of marijuana the State Patrol laboratory has tested. It has very recently been brought to the attention that there are at least two types of natural marijuana which is now being grown in California which may exceed the 6% figure. The figure given us by the representative of the United States Department of Justice Drug Enforcement Administration is that this new hybrid marijuana which is being grown in California can contain 7% to 8% tetrahydrocannabinols by weight. This figure was not available to the Judiciary Committee at the time the amendments were adopted. The committee has also been assured by the United States Department of Justice Drug Enforcement Administration that a figure from 10% to 12% would insure that natural marijuana would not fall under this definition but would include most all forms of hashish, hashish oil and other concentrated Cannabis. I would not be adverse to an amendment to increase this percentage amount, however, I feel that it is a policy decision which should be made by the entire Legislature. I would now like to outline how the amendment, Request #2142 will change present law with regard to possession of marijuana or hash. If you will look in your handout which I have given you on Request #2142, amendments, you will see that under present law the penalties for possession of less than one ounce of marijuana or hash are treated the same. The 2142 amendments would not change the current penalty sections for possession of less than one ounce of marijuana but would increase the penalty for possession of hash in any amount to a Class IV felony which is the same as any other Schedule I drug. The current penalty possession for the possession of one ounce to a pound of marijuana or hash are treated the same. That is a Class III misdemeanor, Class III (a) misdemeanor. The 2142 amendments would again make no change in the penalty for the possession of this amount of marijuana but would increase the possession for hash to a Class IV felony. This amendment would make no change between current law for the possession of either marijuana or hash in the amount of a pound or more. The current penalty for a Class IV felony under 2142 amendments would remain a Class IV felony. The amendment taken by itself does not affect the penalty section covered drug session for either marijuana or hash. They are affected, however, when taken in conjunction with Request #2143. If you will look at your handout which I have given you,