

March 13, 1980

LB 696

I have outlined exactly how the combination of 2142 amendments and 2143 amendments interact to change current penalty provision of our drug laws. In regard to simple possession penalty provisions for the simple possession of marijuana in any amount are not changed by the combination of these amendments. The penalty provision for the simple possession of hash is changed from being treated exactly like marijuana to becoming a Class IV felony which is the current penalty provision of any Schedule I drug. I might add at this point that marijuana is a Schedule I drug, however, we have separate penalty sections covering marijuana. If you will look into the delivery section of your handout you will see that the combination of 2142 amendments and 2143 amendments have the following effect. The penalty provision for dealing in marijuana or hash in any amount have been increased from a Class IV felony to a Class III felony. This is a direct result of the 2143 amendment establishing the exceptionally hazardous drug category and rising the penalty for dealing. The penalty section for dealing in narcotics has been increased from a Class III felony to a Class II felony. It should be noted here that while narcotics as listed in Schedule I of the drug Schedules as in marijuana and hash there is a separate definitional section covering narcotics. Marijuana and hash are not classified as narcotics. The next provision which have been increased are dealing in phencyclidine and thiophene analog and phencyclidine which is commonly called angel dust. For dealing in this exceptionally hazardous drug the penalty section has been increased from a Class IV felony to a Class III felony. This would mean that those dealings in angel dust would be treated the same as those dealing in narcotics. The penalty section for the three most highly abused and dangerous barbitals, amobarbital and secobarbital and pentobarbital have been increased from Class IV to a Class II felony. Narcotics, angel dust and these three barbitals would be treated the same as dealing penalties as in these drugs which we would classify as exceptionally hazardous drugs. The penalty section for dealing in other Schedule I, II and III drugs would be increased from Class IV felony to a Class III felony and the penalty section for dealing in any other Schedule IV or V drugs would remain the same as a Class IV felony. I have tried to outline as best I can. If you will refer to the committee handout as a quick reference you can see where the changes have been made.

SENATOR CLARK PRESIDING

SENATOR CLARK: You have one minute left.

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