

ASSEMBLY, No. 2467

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED SEPTEMBER 28, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman GERALD J. LUONGO

District 4 (Camden and Gloucester)

SYNOPSIS

Makes it a crime of the first degree to operate a production facility for certain "rape drugs."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/29/1998)

1 AN ACT concerning certain dangerous substances and amending
2 N.J.S.2C:35-4.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.2C:35-4 is amended to read as follows:

8 2C:35-4. Except as authorized by P.L.1970, c.226 (C.24:21-1 et
9 seq.), any person who knowingly maintains or operates any premises,
10 place or facility used for the manufacture of methamphetamine,
11 lysergic acid diethylamide, phencyclidine, gamma hydroxybutyrate,
12 flunitrazepam, marijuana in an amount greater than five pounds or ten
13 plants or any substance listed in Schedule I or II, or the analog of any
14 such substance, or any person who knowingly aids, promotes, finances
15 or otherwise participates in the maintenance or operations of such
16 premises, place or facility, is guilty of a crime of the first degree and
17 shall, except as provided in N.J.S.2C:35-12, be sentenced to a term of
18 imprisonment which shall include the imposition of a minimum term
19 which shall be fixed at, or between, one-third and one-half of the
20 sentence imposed, during which the defendant shall be ineligible for
21 parole. Notwithstanding the provisions of subsection a. of
22 N.J.S.2C:43-3, the court may also impose a fine not to exceed
23 \$750,000.00 or five times the street value of all controlled dangerous
24 substances **[or]**, controlled substance analogs , gamma
25 hydroxybutyrate or flunitrazepam at any time manufactured or stored
26 at such premises, place or facility, whichever is greater.

27 (cf: P.L.1997, c.186, s.2)

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29 2. This act shall take effect immediately.

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STATEMENT

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34 Under current law, it is a crime of the first degree to operate a
35 premises or facility used for the production of certain controlled
36 dangerous substances. This bill would add two "rape drugs" to the list
37 of substances included in the statute. Under the bill, the operation of
38 a premises or facility for the production of gamma hydroxybutyrate or
39 flunitrazepam would also be a crime of the first degree.

40 The use of gamma hydroxybutyrate (GHB) and flunitrazepam
41 (known as "roofies") to facilitate sexual assault is a growing problem.
42 Because these drugs may be tasteless and odorless, they have been
43 slipped into victims' drinks so that the victims unknowingly ingest

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 them. In addition to rendering the victims physically helpless, these
2 substances have been known to cause amnesia, making it difficult for
3 victims to identify their attackers.

4 The first degree crime of operation of a production facility is
5 punishable by a term of imprisonment of up to ten to 20 years, with a
6 mandatory minimum term of one-third to one-half of the sentence
7 imposed. In addition, the court may also impose a fine not to exceed
8 \$750,000.00 or five times the street value of the unlawful substance.