

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 2725

STATE OF NEW JERSEY

DATED: JUNE 12, 1997

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 2725.

The committee substitute would establish specific criminal offenses covering the unlawful manufacture, distribution and possession of two so-called rape drugs: Rohypnol (flunitrazepam) and gamma hydroxybutyrate (GHB).

Under the substitute, the sale or manufacture of one gram or more of flunitrazepam would be classified as a crime of the first degree (10 to 20 years imprisonment; a fine of up to \$250,000.00). Sale or manufacture of less than a gram would be punishable as a crime of the second degree (5 to 10 years imprisonment; a fine of up to \$150,000.00). Possession of flunitrazepam would be graded as a third degree crime (3 to 5 years imprisonment; a fine of up to \$100,000.00).

The sale or manufacture of GHB would be graded as a second degree crime (5 to 10 years imprisonment; a fine of up to \$150,000.00). Possession of GHB would be punishable as a crime of the third degree (3 to 5 years imprisonment; a fine of up to \$100,000.00).

The substitute would also classify an act of sexual penetration when the actor knew or should have known that the victim was physically helpless, mentally defective or mentally incapacitated as aggravated sexual assault, a crime of the first degree. Under present law, an act of sexual penetration when the victim is physically helpless or mentally defective or incapacitated is graded as sexual assault, a crime of the second degree. Under the committee substitute, an act of sexual contact when the victim was physically helpless or mentally defective or incapacitated would be upgraded from a crime of the fourth degree to a crime of the third degree.

In addition, the substitute would require the Department of Law and Public Safety to establish and maintain a suitable training program for law enforcement officers regarding the use of narcotics, anesthetics, intoxicants, and other substances which could be used to facilitate sexual assault.

The bill in its original form included references to ketamine hydrochloride. The committee released two other bills on June 12,

1997 concerning ketamine, Assembly Bill No. 2712 and Senate Bill No. 1772 (1R).

This substitute is substantially similar to the Senate Committee Substitute for Senate, No. 1851. There is a difference in section 1 of this substitute. The language in paragraph (5) of subsection a. of N.J.S.2C:14-2 is changed to omit the reference to a victim who is helpless, mentally defective or mentally incapacitated. New paragraph (7) in that subsection will cover those situations.