

SENATE, No. 1851

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Senators KYRILLOS, KOSCO and Cafiero

1 AN ACT concerning the drug flunitrazepam and supplementing chapter
2 35 of Title 2C of the New Jersey Statutes.

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

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7 1. a. Except as authorized by P.L.1970, c.226 (C.24:21-1 et seq.),
8 it shall be a crime of the first degree for any person knowingly or
9 purposely to manufacture, distribute or dispense, or to possess or have
10 under his control with intent to manufacture, distribute or dispense,
11 flunitrazepam.

12 b. It is a crime of the second degree for any person, knowingly or
13 purposely, to obtain, or to possess, actually or constructively,
14 flunitrazepam, unless the substance was obtained directly, or pursuant
15 to a valid prescription or order form from a practitioner, while acting
16 in the course of his professional practice, or except as otherwise
17 authorized by P.L.1970, c.226 (C.24:21-1 et seq.).

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19 2. This act shall take effect immediately.

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STATEMENT

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24 This bill criminalizes the possession of Rohypnol (flunitrazepam),
25 a drug that has reportedly been used to facilitate sexual assaults.
26 Rohypnol is tasteless and odorless, and can be slipped into a victim's
27 drink so that the victim unknowingly ingests it. The drug is capable
28 not only of rendering the victim helpless, but also of causing the victim
29 to have no memory of the attack.

30 The possession and distribution of Rohypnol were recently
31 criminalized under Federal law pursuant to P.L.104-305 (enacted
32 October 13, 1996). This bill would implement similar penalties on the
33 State level.

34 Under the bill, the manufacture, distribution, or possession with
35 intent to distribute Rohypnol would be a crime of the first degree. A
36 crime of the first degree is punishable by a term of imprisonment of up
37 to 10 to 20 years or a fine of up to \$100,000, or both. The bill also

1 provides that possession of Rohypnol would be a crime of the second
2 degree. A crime of the second degree is punishable by a term of
3 imprisonment of up to five to ten years or a fine of up to \$100,000, or
4 both.

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9 Criminalizes possession and distribution of Rohypnol.