

FISCAL NOTE TO
SENATE, No. 2109

STATE OF NEW JERSEY

DATED: JULY 9, 1997

Senate Bill No. 2109 of 1997 revises the penalties for violations of the controlled dangerous substance (CDS) law involving methamphetamine ("speed") and marijuana to mirror federal law.

Under the bill, a conviction for manufacturing, distributing or dispensing the CDS methamphetamine, including adulterants or dilutants, in an amount: a. equal to or exceeding five ounces is increased from a second degree to a first-degree crime; b. equal to or exceeding one-half ounce, but less than five ounces, is increased from a third-degree to a second-degree crime; and c. less than one-half ounce remains a third-degree crime.

The bill's revised penalties for convictions involving the CDS marijuana is expressed in terms of weight, as under current law, as well as in terms of the number of plants, without regard to weight. A conviction involving an amount, including adulterants and dilutants, of marijuana: a. equal to or exceeding 25 pounds, or exceeding 50 plants, is increased from a second-degree to a first-degree crime; b. equal to or exceeding five pounds, but less than 25 pounds, or equal to or exceeding 10 plants, but fewer than 50 plants, is a second degree crime; c. equal to or exceeding one ounce, but less than five pounds, is a third-degree crime; and d. less than one ounce is a fourth-degree crime. The provisions pertaining to methamphetamine have been expanded by the bill to apply to phenyl-2-propanone (P2P), the immediate precursor to methamphetamine.

Finally, the bill expands the list of controlled dangerous substances for which it is illegal to knowingly operate a manufacturing facility to include marijuana.

The Administrative Office of the Courts (AOC) states that in 1994 there were four convictions under 2C:35-4, maintaining or operating a controlled dangerous substance production facility. The AOC does not collect data on the type of drugs involved.

The AOC further states that in 1995 there were four convictions under 2C:35-5b(8), distributing or possessing with the intent to distribute one ounce or more of methamphetamine. There were 40 convictions under 2C:35-5b(10), distributing or possessing with the intent to distribute five pounds or more of marijuana, or one pound or more of hashish. The AOC does not collect data on the exact quantity of drugs involved. There were 164 convictions for the first degree crime of distributing or possessing with the intent to distribute five or more ounces of heroin or cocaine.

The Office of Legislative Services concurs.

This fiscal note has been prepared pursuant to P.L.1980, c.67.