

March 13, 1980

LB 696

committee amendments leave these drugs within the schedules where they are currently found but classify them as "exceptionally hazardous drugs" for the purpose of enhancing the penalty for dealing in these drugs. This amendment would not affect the penalty sections for possession of these drugs. This amendment would, however, affect the penalty section for the delivery of these and other drugs. There is unanimous agreement that angel dust or ... how do you pronounce that, Dr. Clark? He isn't here. Phencyclidine I believe is the correct pronunciation, you can see that I am an authority on drugs, in among the most dangerous drugs currently available for use today. The Judiciary Committee has also received a great deal of testimony regarding the dangerousness of narcotics and the dangerousness of these three listed barbiturals. Contrary to past testimony this amendment does not classify marijuana or hash as any exceptionally hazardous drug. What this amendment does do is select these drugs out of the drug schedules, classify them as exceptionally hazardous drugs and increase the penalty for dealing in such drugs. The penalty for dealing in exceptionally hazardous drugs would be classified as Class II felony. Current penalty classifications provide for either a Class III or a Class IV felony for dealing in these drugs depending upon where they are found in the drug schedules. The committee amendments also increase the penalty for dealing in any controlled substance classified in Schedule I, II or III of the Controlled Substances Act from a Class IV to a Class III penalty. I should say felony, not penalty. The Controlled Substances Act from a Class IV to a Class III felony. Okay. Marijuana is a Schedule I drug and would be affected by this amendment. At the present time the penalty for possession of a pound or more of marijuana is a Class IV felony. The maximum penalty for dealing in marijuana is also a Class IV felony under current Nebraska law. As it is much easier to prove possession than the specific intent of delivery, very few drug dealers are being charged under the delivery section because the penalty for possession and delivery is the same. The amendment would not affect possession of any drug in any amount but would increase the penalty sections for delivery of exceptionally hazardous drugs and would also increase the penalty section for dealing in marijuana from a Class IV to a Class III felony. The proposal was brought to the Judiciary Committee by the Lancaster County Attorney's office in cooperation with the Nebraska County Attorneys Association. Once again, I would emphasize to you that this amendment does not increase penalty sections for mere possession of any drug but does increase the penalty section for drug dealing. I move for the adoption of this committee amendment.

8334