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## Public Safety Committee

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### HB 2835

**Brief Description:** Reducing the criminal penalty for unlawful possession of a controlled substance.

**Sponsors:** Representatives Appleton, Davis and Pollet.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Reduces the penalty for possession of a controlled substance.</li></ul>
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**Hearing Date:** 2/4/20

**Staff:** Kelly Leonard (786-7147).

**Background:**

A controlled substance is a drug, substance, or immediate precursor the possession, distribution, and manufacture of which is regulated under state and federal law. Controlled substances are categorized in five schedules based on potential for abuse, currently accepted medical use, safety, and dependency risk. For example, Schedule I controlled substances have a high potential for abuse, have no currently acceptable treatment uses, and lack accepted safety for use in treatment under medical supervision. By contrast, Schedule V controlled substances have low potential for abuse, accepted uses in treatment, and potential for limited physical dependence or psychological dependence.

It is unlawful to possess a controlled substance unless it was obtained directly from, or pursuant to, a valid prescription or order of a licensed health care practitioner. Unlawful possession of a controlled substance is a class C felony with a seriousness level of I for purposes of the drug sentencing grid. A first-time offender would therefore have a standard sentencing range of zero to six months.

**Summary of Bill:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The penalty for unlawful possession of a controlled substance is reduced from a class C felony to a gross misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Requested on February 1, 2019.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.