

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB971

Hearing Date: Friday January 26, 2018
Committee On: Judiciary
Introducer: Wayne
One Liner: Change a penalty for possession under the Uniform Controlled Substances Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Verbal Testimony:

Proponents:
Senator Justin Wayne
John Hascall
Joe Nigro

Representing:
Introducer
Sarpy County Public Defender's Office
Lancaster County Public Defender & Nebraska Criminal
Defense Attorneys Association

Opponents:
Corey O'Brien

Christine Gabig
Greg Gonzalez

Representing:
Nebraska Attorney General's Office & Nebraska County
Attorneys Association
Douglas County Sheriff
Omaha Police Department

Neutral:

Representing:

Summary of purpose and/or changes:

This bill would reduce the penalties for possession of small amounts of controlled substances other than marijuana and synthetic cannabinoids. Under current law, knowing or intentional possession of such controlled substances is a Class IV felony. This bill would reclassify such possession as a Class I misdemeanor if the quantity of the controlled substance is (a) an amount weighing less than one gram, or (b) a quantity fewer than ten pills or tablets weighing no more than 80 milligrams each. Larger amounts or quantities would still be classified as a Class IV felony.

Explanation of amendments:

AM 1759 replaces language distinguishing between weights of controlled substance and replaces it with a definition for "residue," possession of which would be a Class I misdemeanor instead of a Class IV felony.

Under the amendment language, residue would include the following: (1) For drugs customarily sold by weight, amounts of .1 gram or less; (2) For drugs not customarily sold by weight, amounts of less than one dosage unit; or (3) ashes,

resin, or other physical remains of a controlled substance that has already been consumed and is not a usable amount.

Laura Ebke, Chairperson