

HB

69

Alaska State Legislature

House of Representatives

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Session Address:
Room 13



Official Business

State Capitol
Juneau, Alaska 99801-1982

Representative Al Vezey

HB 69

CLASSIFYING FLUNITRAZEPAM AS A CONTROLLED SUBSTANCE

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffies, Ropes, and Rib. The drug induces deep sleep and causes amnesia. Illegal use of this drug is on the increase in the United States and its illegal use has been suspected in Alaska. Rohypnol is a drug that is not readily detectable in urine by using a standard urine test.

The most heinous illegal use of this drug is to slip it into the drink of a female as a prelude to rape. Typically the victim does not remember what happened for several hours after ingesting the drug.

Victims of drug induced rape can not identify their victims and conviction are difficult and rare. This bill would make the mere possession of this drug a serious crime in the same class as sexual assault in the first degree. HB 69 sends a clear message that we will not tolerate in our society those who would perpetrate sexual abuse.

Flunitrazepam is the generic name for a drug in the class of prescription medicines known as benzodiazepines. It is manufactured in Europe and Latin American by Hoffman-La Roche under the trade name Rohypnol.

House OKs bill outlawing date-rape drug

Bill is sponsored by Fairbanks Republican Rep. Al Vezey

By MARK SABBATINI

THE JUNEAU EMPIRE

Making possession of the so-called "date-rape" drug a felony was unanimously approved today by the state House.

The drug Flunitrazepam, which induces sleep and amnesia, has been used against women who did not remember being raped for several hours afterward, said Rep. Al Vezey, a Fairbanks Republican who sponsored House Bill 69. He said identifying and convicting assailants is difficult as a result.

Vezey said the drug has circulated in the Lower 48 for the past few years and now appears to be trickling into Alaska.

"There's usually a two- to

There's usually a two- to three-year lag between when drugs appear on the crime scene and their reaching Alaska.

three-year lag between when drugs appear on the crime scene and their reaching Alaska," he said in an interview today.

A person arrested in Anchorage in February possessed the drug and there have been rumors of other in-state incidents involving Flunitrazepam, Vezey said.

"That person cannot be charged under Alaskan law, but they had other drugs on them at the time, so I'm sure there will be charges," he said.

Rep. Al Vezey

Proof is difficult to obtain because its presence is not detected by standard urine tests.

There have been no seizures of the drug by Juneau Police Department officials, said Officer Paul Hatch. Karen Sturnick, women's program director for the AWARE shelter, said she has not heard women complain about the drug being used against them during the past year she has worked there.

"That doesn't mean that it

hasn't been used," she said. "I think sometimes we believe we here only touch a fraction of what's out there."

Sturnick said her agency supports the bill.

Federal law already prohibits the drug, which goes under the trade name Rohypnol and street names such as Roaches and Rib. Vezey said federal officials seldom have the resources to enforce small-scale possession cases, which is why many states have enacted or are considering similar measures.

The drug is an anti-depressant that is legal in 64 foreign countries, he said. He said it is abused by drug users - especially youths - who combine it with other substances and prolong the effects of alcohol or lessen the let-down effect of cocaine.

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. SSHB 69

Revision Date: _____ Dept. Affected: Department of Law
 Title: "An Act . . . designating flunitrazepam as a BRU: Criminal Division
schedule IVA controlled substance . . ." Component: Criminal Division
 Sponsor: Representative Vezey
 Requester: House Judiciary Committee COMPONENT SERIAL NO. 2085

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF Program Receipts						
1006 GF, MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ 0.0

POSITIONS

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill designates the drug flunitrazepam, the "date-rape" drug, as a schedule IVA controlled substance. Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*
 Division: Administrative Services Division
 Approved by Commissioner: Bruce M. Botelho, Attorney General *Bruce M. Botelho*
 Agency: Department of Law

Phone: 455-5370
 Date: 2/11/97
 Date: 2/11/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO: HB 69

Revision Date: _____ Dept. Affected: Public Safety
 Title: Flunitrazepam Made Schedule IA Drug BRU: Alaska State Troopers
 Component: Narcotics Task Force
 Sponsor: Rep. Vezey
 Requestor: House Judiciary COMPONENT SERIAL NO. 798

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 97) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

This bill would make flunitrazepam a schedule IA drug. This would have no significant fiscal impact on AST.

Prepared By: Capt. Ted M. Bachman Phone: 269-5650
 Division: Alaska State Troopers Date: 02/11/97
 Approved by Commissioner: *Ronald L. Olte* Date: 2/11/97
 Agency: Department of Public Safety

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Alaska State Legislature

News From The House Majority

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Juneau, AK 99801
Secretary
Actuality line: 1-800-478-6540

Ken
Press
(907) 465-3804

House Passes Measure To Classify Possession of Date Rape Drug As Felony

For Immediate Release: March 7, 1997
465-3719

Contact: Rep. Al Vezey (907)

JUNEAU - The House of Representatives Friday unanimously passed legislation to classify Flunitrazepam, the date rape drug, as a controlled substance. The bill, introduced by Rep. Al Vezey, (R - Fairbanks) classified the drug as a Schedule IV(A) controlled substance and makes possession a felony.

Rep. Vezey said that Alaska already has laws against sexual assault and those involving the induced use of drugs is a more serious crime and carries a heavier penalty.

"By making Rohypnol a controlled substance, we are attempting to intercept the perpetrators before they have a chance to commit a heinous crime," said Vezey. "We are trying to get out ahead of criminals who would utilize this drug in Alaska."

Flunitrazepam, trade name Rohypnol, is known by street names that include Roaches, Roches, Rocha, Rophies, Roofies, Ruffles, Ropes and Ribs.

Rep. Vezey introduced HB 69 because he said Rohypnol is becoming a growing threat to females, teenagers and young adults. Vezey said that middle and high school students, college students, and street gangs use Rohypnol to boost and prolong the intoxicating effects of alcohol, while heroin addicts use the drug to increase the high produced by heroin and cocaine addicts use Rohypnol to moderate the effects of a cocaine binge.

"The most heinous use of this drug is to slip it into the drink of unsuspecting female as a prelude to rape," said Vezey.

The Alaska Scientific Crime Detection Laboratory is in the process of analyzing what is believed to be the first evidence of Rohypnol's presence in Alaska.

George Taft, Director of the Alaska State Crime Laboratory testified via teleconference to the House Finance Committee on February 24th. He emphasized that there is a case pending for possession of 272 Rohypnol tablets that was submitted to the lab along with some heroin.

**Broadcast Note: An audio actuality is available by calling
1-800-478-6540.**

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Representative Al Vezey

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Juneau, AK. 99801-1182

PENALTIES AND FINES IMPOSED BY HB 69

AS 11.71.030(a)(2). Delivering any amount of Schedule IV(A) to a person under 19 years of age.

Class B Felony

AS 12.55.125(d) imprisonment
AS 12.55.035 fine

AS 12.55.125(d) A defendant convicted of a class B felony may be sentenced to a definite term of imprisonment of **not more than 10 years**, and shall be in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, four years;
- (2) if the offense is a third felony conviction, six years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.040(a)(1). A defendant manufactures or delivers, or possesses with intent to manufacture or deliver, any schedule IV(A) controlled substance.

Class C Felony

AS 12.55.125(e) imprisonment
AS 12.55.035(b)(2) Fines

Fine

AAS 12.55.125(e)(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;

- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

11.71.050(a)(4). A defendant possesses a schedule IV(A) controlled substance on or within 500 feet of school grounds, or a recreation or youth center or on a school bus.

Class C Felony	AS 12.55.125(e)	imprisonment
		Fine

(e) A defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of **not more than five years**, and shall be sentenced to the following presumptive terms, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

- (1) if the offense is a second felony conviction, two years;
- (2) if the offense is a third felony conviction, three years.
- (3) [Repealed, § 6 ch 6 SLA 1996.]
- (4) if the offense is a first felony conviction, and the defendant violated AS 08.54.720(a)(15), one year.

AS12.55.035(b)(2) (Fines) Class A, B, or C felony \$50,000

AS 11.71.050(a) A defendant possesses less than 25 tablets (or less than three grams) of a schedule IV(A) controlled substance.

Class A Misdemeanor	AS 12.55.145	imprisonment
	AS 12.55.035(b)(3)	fine

AS 12.55.135. Sentences of imprisonment for misdemeanors. (a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of **not more than one year**.

AS12.55.035(b)(3) (Fines) Class A Misdemeanor \$5,000
 Existing penalties and fines for sexual assault in the first degree are:

AS 12.55.125(3)(b). Sentences of imprisonment for felonies. A defendant convicted of misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of **at least five years but not more than 99 years.****

AS 12.55.035(b)(1) (Fines)

\$75,000

** Currently, Rohypnol is not a controlled substance. Defendants convicting of first degree sexual assault not involving a controlled substance can be sentenced to not more than 30 years of imprisonment.

Documented Federal (DEA and U.S. Customs) plus State and Local Law Enforcement Cases Involving Flunitrazepam Collected as of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, DEA)

STATE AND LOCAL CASES 3230

DEA CASES 136

1987 to December 1996

(Arizona, California, Florida, Georgia,
Illinois, Kansas, Maryland, New Mexico, New York,
Oklahoma, Rhode Island, Puerto Rico,
South Carolina, Tennessee, Texas, Virginia, Alabarria)

CUSTOMS CASES (Mail Seizures)

January 1990 To December 1995 68

Violator Residence: Connecticut, Colorado,
Florida, Hawaii, Massachusetts, New Jersey,
New York, North Carolina, Texas

January 1996 To October 1996 37

Violator Residence: California, Florida
Hawaii, Illinois, Massachusetts, Minnesota
New Jersey, New York, Texas, Washington

CUSTOMS CASES (Non-Mail Seizures)

January 1990 To January 1996 196

Violator Residence: Alabama, Arkansas,
Arizona, California, Florida, Georgia,
Indiana, Kansas, Louisiana, Mexico,
Mississippi, New York, Ohio, Oklahoma,
South Carolina, Tennessee, Texas, Virginia

January 1996 to October 1996 105

Violator Residence: Alabama, Arizona,
California, Colorado, Florida, Hawaii,
Illinois, Louisiana, Maryland, Massachusetts,

New Jersey, New York, Oklahoma, Pennsylvania,
Texas, Washington

TOTAL LAW ENFORCEMENT CASE

3773

Numbers of State and Local Law Enforcement Cases Involving Flunitrazepam Documented As Of December 24, 1996. (Information was collected by Dr. James M. Tolliver, Drug and Chemical Evaluation Section, Office of Diversion Control, within the Drug Enforcement Administration).

Alabama	21
Arizona	97
Arkansas	2
California	38
Connecticut	1
Florida	1159
Georgia	14
Hawaii	2
Illinois	2
Indiana	3
Kansas	7
Louisiana	193
Maryland	3
Michigan	1
Minnesota	2
Mississippi	31
Missouri	1
Montana	1
Nevada	1
New Jersey	3
New Mexico	3
New York	10
North Carolina	10
North Dakota	1
Ohio	3
Oklahoma	86
Oregon	1
Pennsylvania	1
Rhode Island	1
South Carolina	1
Tennessee	2
Texas	1538
Virginia	3
Washington	1
TOTAL	3230

**ALASKA NETWORK ON
DOMESTIC VIOLENCE AND SEXUAL ASSAULT**
130 Seward, Rm 501 Juneau, Alaska 99801 (907) 586-3650 (907) 463-4493 fx

Statement Regarding SB94/HB69
February 1997

The Alaska Network on Domestic Violence and Sexual Assault (Network) is the statewide coalition of community domestic violence and sexual assault intervention programs for Alaska. Twenty full member and five supporting member programs provide shelter, advocacy, crisis intervention and, information and referral services to victims seeking assistance in ending the violence being perpetrated against them. The Network works to promote institutional and systemic change necessary to end violence against women.

The Network supports placement of flunitrazepam (rohypnol) on the list of controlled substances as a Schedule IVA substance. The federal DEA is considering moving rohypnol from Schedule IVA to Schedule I. The Network would also support the substance being moved to Schedule I as soon as the federal change is made.

Rohypnol is a sedating substance. It is a prescription sleeping medication available outside of the United States. It is also used as a preanesthetic before surgery or other medical procedures in several countries. Rohypnol is not marketed in this country and a ban on its importation went into effect in March of 1996.

Rohypnol's sedating effect can be exacerbated by the presence of alcohol, a person's sensitivity to the drug, or an increase in the dosage. Its effects generally begin within 20 to 30 minutes of entering a person's system. Its strongest effects occur within one to two hours and, its overall effects usually last from six to eight hours.

Sedating substances such as rohypnol can temporarily inhibit a person's ability to remain awake and conscious. Other possible side effects include impaired judgment, confusion, loss of motor coordination, and dizziness. Periods of impaired memory may also result from being administered a sedating substance such as rohypnol.

Two of rohypnol's street names "the forget pill" and the "date rape drug" demonstrate the malicious intent behind its misuse in the United States. Rapists use the drug to keep victims from being able to resist and as a defense against being caught. Because survivors will have been heavily sedated, they probably will not have complete recall of the rape. They may be uncertain about exactly what happened and who was involved. The inability of a victim to recall facts makes prosecution of a rape where rohypnol was used very difficult.

According to statistics in the US Department of Justice Sourcebook of Criminal Justice Statistics, Alaska has over one and a half times the national average of sexual assaults per capita. Please support the effort to reduce the number of rapes in our state and take away one of the rapist's more insidious tools.

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Finance Committee	2/24/97	1:37 pm
House Judiciary Committee	2/12/97	1:00 p.m
Senate Rules Committee	3/24/97	11:32 pm