

ORDINANCE NUMBER O- 18791 (NEW SERIES)

ADOPTED ON APR 17 2000

AN EMERGENCY ORDINANCE AMENDING CHAPTER V, ARTICLE 2, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING A NEW DIVISION 32 TITLED "POSSESSION OF CLONAZEPAM," AND ADDING NEW SECTIONS 52.3201, 52.3202, 52.3203, 52.3204, 52.3205 AND 52.3206, ALL PERTAINING TO RESTRICTING POSSESSION OF CLONAZEPAM

WHEREAS, during the 1984 Legislative session, the California Legislature added Health and Safety Code section 11375, Possession for Sale or Sale of Designated Controlled Substances, which had the unintended legal effect of making simple possession of several substances including clonazepam legal; and

WHEREAS, an increasing number of drug-facilitated sexual assaults are being reported in the City of San Diego; and

WHEREAS, the drug clonazepam has been linked to drug-facilitated sexual assaults; and

WHEREAS, clonazepam is difficult to detect, causes amnesia, decreases a person's inhibitions and rapidly impairs a victim making him/her vulnerable to sexual assault; and

WHEREAS, the onset of the effects of clonazepam occur within minutes, at which time a victim often loses track of events, waking up in an unfamiliar environment, inappropriately clothed and having been sexually assaulted; and

WHEREAS, currently there is no law in the City of San Diego that prohibits mere possession of clonazepam without a prescription, and immediate legislative action is needed to protect the safety of the citizens of the City of San Diego; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter V, Article 2, of the San Diego Municipal Code be and the same is hereby amended by adding a new Division 32, and new Sections 52.3201, 52.3202, 52.3203, 52.3204, 52.3205, and 52.3206, to read as follows:

DIVISION 32

Possession of Clonazepam

SEC. 52.3201 Purpose

The Council for the City of San Diego finds and declares that:

- (a) In addition to its legal uses, adults and juveniles are abusing *clonazepam* to become intoxicated and/or to facilitate sexual assault.
- (b) There are reports of *clonazepam* being used to facilitate sexual assault.
- (c) There is a current and immediate threat to the public safety and welfare, in that the use of *clonazepam* by juveniles is increasing at an alarming rate in the City due to its easy access, low price and powerful effect.
- (d) Currently there is no law that prohibits mere possession of this drug without a valid prescription.

SEC. 52.3202 Definitions

"*Clonazepam*" means any drug, substance or compound, whether legal or illegal, that contains clonazepam as described in California Health and Safety Code section 11057(d)(6).

SEC. 52.3203 Prohibitions of Possession

Except as authorized by law and as otherwise provided in subdivision (b) or Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, it is unlawful for any person to possess *clonazepam* or any substance that contains *clonazepam* without a valid prescription.

SEC. 52.3204 Enforcement Authority

The City Attorney and The Chief of Police, or any other Director authorized by the City Manager, are authorized to administer and enforce the provisions of this Division. The City Attorney and The Chief of Police exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

SEC. 52.3205 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The City Attorney and the Chief of Police may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

***SEC. 52.3206 Strict Liability Offense**

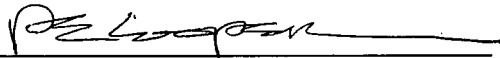
Violations of this Division shall be treated as strict liability offenses regardless of intent.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this emergency ordinance requires six votes for passage and shall take effect and be in force on the day of its adoption by the Council of the City of San Diego in accordance with Charter sections 16 and 17.

Section 4. This ordinance expires on MAY 01 2000, the effective date of ordinance number O- 18793. The City Clerk is instructed to insert the ordinance number and effective date, once known.

APPROVED: CASEY GWINN, City Attorney

By 
Paul E. Cooper
Deputy City Attorney

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Or.Dept:Police
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