

ORDINANCE NO. 2813

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING SECTIONS 9.16.027 THROUGH 9.16.032 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO THE POSSESSION OF CLONAZEPAM

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: Sections 9.16.027 through 9.16.032 are hereby added to Chapter 9.16 of the Chula Vista Municipal Code to read as follows:

9.16.027 Purpose.

The City Council for the City of Chula Vista finds and declares the following:

- 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 clonazepam without a valid prescription in that the passage of Health and Safety Code section 11375 (Possession for Sale or Sale of Designated Controlled Substances) during the 1984 Legislative Session had the unintended legal effect of making simple possession of several substances including clonazepam legal.

9.16.028 Definitions.

For the purposes of this section, the below terms are defined as follows:

- a. "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).

9.16.029 Possession without valid prescription prohibited.

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.

9.16.030 Enforcement Procedure.

The City Attorney and the Chief of Police are authorized to administer and enforce the provisions of this section.

9.16.031 Penalties.

Violations of Section 9.16.029 shall be punished in accordance with Chapter 1.20 of the Chula Vista Municipal Code.

9.16.032 Strict Liability Offense.

Violations of this section shall be treated as a strict liability offense regardless of intent.

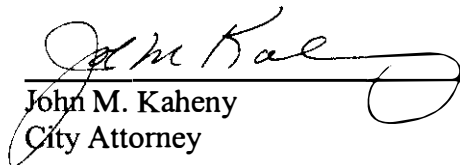
SECTION II: This ordinance shall take effect and be in full force and effect on the thirtieth (30th) day after its adoption by the City Council.

Presented by



Richard P. Emerson
Police Chief

Approved as to form by

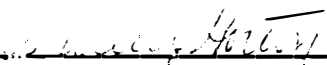

John M. Kaheny
City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 25th day of July, 2000, by the following vote:

AYES: Councilmembers: Davis, Moot, Padilla, Salas and Horton

NAYS: Councilmembers: None

ABSENT: Councilmembers: None



Shirley Horton, Mayor

ATTEST:



Susan Bigelow, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Susan Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Ordinance No. 2813 had its first reading at a regular meeting held on the 11th day of July, 2000 and its second reading and adoption at a regular meeting of said City Council held on the 25th day of July, 2000.

Executed this 25th day of July, 2000



Susan Bigelow, City Clerk