


GENERAL OFFICE MEMORANDUM 18-003

TO: ALL DISTRICT ATTORNEY PERSONNEL

FROM: JOHN K. SPILLANE 
Chief Deputy District Attorney

SUBJECT: PRIORABILITY FOR DRUG DEALING ACTIVITIES
SUBSTANTIALLY ELIMINATED (Health and Safety Code § 11370.2)

DATE: JANUARY 2, 2018

In October 2017, the California Legislature enacted Senate Bill No. 180, amending Health and Safety Code section 11370.2 (code references are to the Health and Safety code) to significantly restrict the use of prior drug dealing related convictions to enhance a current sentence for drug dealing activity.

Effective January 1, 2018, the only prior drug dealing related prior convictions that may be alleged pursuant section 11370.2 are violations of, or conspiracies to violate, section 11380. Section 11380 pertains to drug dealing activity associated with minors. All other prior convictions for other drug dealing activity have been eliminated from section 11370.2, including prior convictions for violating sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380.5, and 11383.

Section 11370.2 continues to enhance the sentence of any person *currently convicted* of sections 11351, 11351.5, 11352, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380.5, and 11383, but only if a prior conviction of section 11380 has been pled and proved. Each prior conviction for section 11380 continues to add a separate and consecutive three years.

The Uniform Crime Charging Manual will be amended to reflect this change.

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