

7/30/57

Memorandum No. 13

Subject: Study No. 56 - Narcotics Code.

A copy of A.C.R. 75 is attached. This resolution was adopted without amendment, becoming Resolution Chapter 222 of the statutes of 1957.

*Action*  
Several questions have occurred to me as I have begun to think about getting this study under way:

1. Should this resolution be given an interpretation which places heavy emphasis on the words "study the advisability of a separate code for all laws on narcotics," the commission limiting its study to (a) determining what laws presently apply to narcotics and where they are presently found (b) conducting a survey among knowledgeable people as to whether there is a need, in general, for substantive revision "from a health and law enforcement standpoint" of our narcotics laws (c) filing a report of its findings under (a) and (b), and (d) making a recommendation as to whether the job of preparing a Narcotics Code "with needed substantive revision" ought to be undertaken, either by an interim committee or by a special body created for that purpose. If this were done, however, I can see how the author of the resolution might consider it an unduly narrow construction of the resolution; certainly the resolution could be read as requiring the Commission to submit a draft Narcotics Code, "with needed substantive revision from a health and law enforcement standpoint" to the 1959 session.

2. However we proceed, the starting point would seem to be to collect all existing "laws relating to narcotics" (essentially step (a) outlined above). I suggest that we ask the Legislative Counsel whether he would be willing to do

*Also see previous report*

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this for us on a contract basis. If this were done, I suggest that we ask him to report to us all provisions in existing narcotics laws which appear to be obsolete, ambiguous, conflicting or otherwise technically defective.

3. If we get into the problem of "substantive revision from a health and law enforcement standpoint," how shall we proceed? Shall we attempt to retain a research consultant for this purpose? If so, shall he be a lawyer or a doctor or some other kind of expert? It is not clear to me that any one person could be an expert both as to "law enforcement" and as to "health."

4. I have tentatively allocated only \$1000. to this study. (See Memorandum No. 6). This seems pretty inadequate, particularly if we get into substantive revision. If more should be allocated, which study or studies should be allocated less?

Respectfully submitted,

John R. McDonough, Jr.  
Executive Secretary

JRM:fp

**Assembly Concurrent Resolution**

**No. 75**

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Introduced by Messrs. Crawford, Luckel, Schrade, Rees, Hegland, and  
House

January 22, 1957

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REFERRED TO COMMITTEE ON JUDICIARY

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*Assembly Concurrent Resolution No. 75—Relative to a study  
of the laws relating to narcotics by the California Law Revision  
Commission.*

- 1 *Resolved by the Assembly of the State of California, the*
- 2 *Senate thereof concurring, That the California Law Revision*
- 3 *Commission be and is hereby requested to study the advisa-*
- 4 *bility of a separate code for all laws relating to narcotics,*
- 5 *with needed substantive revision from a health and a law*
- 6 *enforcement standpoint, and to submit a report to the Legis-*
- 7 *lature not later than the tenth legislative day of the 1959*
- 8 *General Session of the Legislature, including in the report its*
- 9 *recommendations for appropriate legislation.*