

ONE HUNDRED ONE NORTH CARSON STREET  
CARSON CITY, NEVADA 89701  
OFFICE: (775) 684-5670  
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100  
LAS VEGAS, NEVADA 89101  
OFFICE: (702) 486-2500  
FAX NO.: (702) 486-2505

## Office of the Governor

May 25, 2017

The Honorable Jason Frierson  
Speaker of the Nevada State Assembly  
Nevada Legislature  
401 South Carson Street  
Carson City, Nevada 89701

**RE: Assembly Bill 438 of the 79<sup>th</sup> Legislative Session**

Dear Speaker Frierson:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 438 ("AB 438"), which is entitled:

AN ACT relating to controlled substances; establishing the crimes of level 1 and level 2 drug possession; revising provisions relating to the reduction or suspension of the sentence of a person convicted of certain offenses involving a controlled substance; reducing the penalty for a violation of the prohibition against using or being under the influence of a controlled substance; and providing other matters properly related thereto.

Although well intentioned, AB 438 threatens to endanger the safety of Nevada's communities by significantly modifying penalties for serious criminal drug offenses. If enacted, this legislation would increase the likelihood of reduced or suspended sentences for criminal drug offenders who knowingly or intentionally sell or manufacture Schedule I drugs, including heroin. Schedule I drugs such as heroin, LSD, and ecstasy have been defined by the U.S. Drug Enforcement Administration as having "no currently accepted medical use" and a "high potential for abuse." (21 U.S.C. § 812(b)(1)). To create an environment in which the prevalence of these dangerous substances might be even slightly increased would represent a clear step in the wrong direction, and undermine efforts to promote safe and livable communities in Nevada.


Assembly Bill 438 would also increase the likelihood that drug offenders who intentionally sell, possess, or manufacture controlled substances such as flunitrazepam and GHB, more commonly referred to as "date rape" drugs, would face reduced or suspended

sentences. Under current law, criminal drug defendants must cooperate with and assist law enforcement efforts to investigate and prosecute criminal activity in order to be eligible for a reduced or suspended sentence. AB 438 would eliminate this requirement for some criminal drug offenders, thereby eliminating an incentive for such offenders to cooperate with law enforcement and rendering an important law enforcement tool less effective.

Moreover, at a time when our state is grappling with the tragic and deadly effects of a growing prescription drug abuse and overdose epidemic, any reduction in criminal penalties for the unlawful use of prescription drugs would clearly send the wrong message while undermining a statewide effort to combat and eliminate prescription drug abuse, misuse, and overdose. This serious problem has affected far too many Nevada families, and now is not the time to minimize or reduce penalties for crimes associated with the unlawful use of prescription drugs.

For these reasons, I veto this bill and return it without my signature or approval.

Sincere regards,



BRIAN SANDOVAL  
Governor

*Enclosure*

cc: *The Honorable Mark Hutchison, President of the Senate (without enclosure)*  
*The Honorable Aaron Ford, Senate Majority Leader (without enclosure)*  
*The Honorable Barbara Cegavske, Nevada Secretary of State (without enclosure)*  
*Claire J. Clift, Secretary of the Senate (without enclosure)*  
*Susan Furlong, Chief Clerk of the Assembly (without enclosure)*  
*Brenda Erdoes, Esq., Legislative Counsel (without enclosure)*