

H. B. 2036

(By Delegates Rodighiero, Moye, J. Miller and D. Poling)

[Introduced January 12, 2011; referred to the
Committee on the Judiciary.]

A BILL to amend and reenact §60A-10-12 of the Code of West Virginia, 1931, as amended, relating to the Uniform Control Substances Act; the Methamphetamine Laboratory Eradication Act; and increasing the felony criminal penalties for exposing children to methamphetamine manufacturing.

Be it enacted by the Legislature of West Virginia:

That §60A-10-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 10. METHAMPHETAMINE LABORATORY ERADICATION ACT.

§60A-10-12. Exposure of children to methamphetamine manufacturing; penalties.

(a) Any person eighteen years of age or older who knowingly causes or permits a minor to be present in a location where methamphetamine is manufactured or attempted to be manufactured is

1 guilty of a felony and, upon conviction, shall be ~~confined~~
2 imprisoned in a state correctional facility for not less than ~~one~~
3 five nor more than ~~five~~ thirty years, fined not more than \$10,000,
4 or both fined and imprisoned.

5 (b) Notwithstanding the provisions of subsection (a) of this
6 section, the penalty for a violation of said subsection when the
7 child suffers serious bodily injury as such is defined in the
8 provisions of section one, chapter eight-b of this code shall be
9 ~~confined~~ imprisoned in a state correctional facility for not less
10 than ~~three~~ ten nor more than ~~fifteen~~ thirty years, fined not more
11 than \$25,000, or both fined and imprisoned.

NOTE: The purpose of this bill is to increase the penalties for exposing children to methamphetamine manufacturing.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.