

1 ENGROSSED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 552**

5 (By Senators Plymale, Tucker, D. Hall and Palumbo)

6 _____
7 [Originating in the Committee on the Judiciary;
8 reported February 19, 2014.]
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10
11 A BILL to amend and reenact §60A-4-409 of the Code of West
12 Virginia, 1931, as amended, relating to increasing the penalty
13 for illegally transporting Schedule I and II narcotic
14 controlled substances into the state by making the penalty a
15 determinate sentence of not more than fifteen years; and
16 exempting from coverage of the statute certain methamphetamine
17 precursors.

18 *Be it enacted by the Legislature of West Virginia:*

19 That §60A-4-409 of the Code of West Virginia, 1931, as
20 amended, be amended and reenacted to read as follows:

21 **ARTICLE 4. OFFENSES AND PENALTIES.**

22 **§60A-4-409. Prohibited acts. -- Transportation of controlled**
23 **substances into state; penalties.**

24 (a) Except as otherwise authorized by the provisions of this
25 code, it ~~shall be~~ is unlawful for any person to transport ~~into this~~

1 ~~state~~ a controlled substance into this state with the intent to
2 ~~deliver the same or with the intent to manufacture a controlled~~
3 ~~substance that it be delivered to another.~~

4 (b) Any person who violates this section with respect to:

5 (1) A controlled substance classified in Schedule I or II,
6 which is a narcotic drug, ~~shall be~~ is guilty of a felony and, upon
7 conviction, may be imprisoned in the state correctional facility
8 for ~~not less than one year nor a determinate sentence of not more~~
9 than fifteen years, or fined not more than \$25,000, or both;

10 (2) Any other controlled substance classified in Schedule I,
11 II or III ~~shall be~~ is guilty of a felony and, upon conviction, may
12 be imprisoned in the state correctional facility for not less than
13 one year nor more than five years, or fined not more than \$15,000,
14 or both;

15 (3) A substance classified in Schedule IV ~~shall be~~ that is not
16 addressed in and regulated by the provisions of article ten of this
17 chapter is guilty of a felony and, upon conviction, may be
18 imprisoned in the state correctional facility for not less than one
19 year nor more than three years, or fined not more than \$10,000, or
20 both; or

21 (4) A substance classified in Schedule V ~~shall be~~ is guilty of
22 a misdemeanor and, upon conviction, may be confined in jail for not
23 less than six months nor more than one year, or fined not more than
24 \$5,000, or both. ~~Provided, That for offenses relating to any~~
25 ~~substance classified as Schedule V in article ten of this chapter,~~
26 ~~the penalties established in said that article apply.~~

1 (c) The offense established by this section ~~shall be~~ is in
2 addition to and a separate and distinct offense from any other
3 offense set forth in this code.