

H. B. 4013

(By Delegates R. Phillips, Tomblin,
Marcum, White, Eldridge, Diserio, Iaquina,
Barker and Skaff)

[Introduced January 8, 2014; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §60A-4-409 of the Code of West
Virginia, 1931, as amended, relating to increasing criminal
penalties for the transportation of controlled substances into
the state.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. OFFENSES AND PENALTIES.

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

(a) Except as otherwise authorized by the provisions of this
code, it ~~shall be~~ is unlawful for any person to transport into this
state a controlled substance with the intent to deliver the same or
with the intent to manufacture a controlled substance.

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

2 (1) A controlled substance classified in Schedule I or II,
3 which is a narcotic drug, ~~shall be~~ is guilty of a felony and, upon
4 conviction, ~~may~~ shall be imprisoned in ~~the~~ a state correctional
5 facility for not less than ~~one year~~ five years nor more than
6 fifteen years, or fined not more than ~~\$25,000~~ \$50,000, or both
7 fined and imprisoned;

8 (2) Any other controlled substance classified in Schedule I,
9 II or III ~~shall be~~ is guilty of a felony and, upon conviction, ~~may~~
10 shall be imprisoned in ~~the~~ a state correctional facility for not
11 less than ~~one year~~ two years nor more than five years, or fined not
12 more than ~~\$15,000~~ \$25,000, or both fined and imprisoned;

13 (3) A substance classified in Schedule IV ~~shall be~~ is guilty
14 of a felony and, upon conviction, ~~may~~ shall be imprisoned in ~~the~~ a
15 state correctional facility for not less than one year nor more
16 than ~~three~~ five years, or fined not more than ~~\$10,000~~ \$15,000, or
17 both fined and imprisoned;

18 (4) A substance classified in Schedule V ~~shall be~~ is guilty of
19 a misdemeanor and, upon conviction, may be confined in jail for not
20 less than six months nor more than one year, or fined not more than
21 ~~\$5,000~~ \$10,000, or both fined and confined: *Provided, That for*
22 offenses relating to any substance classified as Schedule V in
23 article ten of this chapter, the penalties established in ~~said~~ that

1 article apply.

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

NOTE: The purpose of this bill is to increase criminal penalties for the transportation of controlled substances into the state.

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