

H. B. 2136

(By Delegate R. Phillips, H. White, Walters, Eldridge, Byrd, Smith, R., Reynolds, Storch,
Moffatt, Nelson, E.)

[Introduced January 20, 2015; 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 the 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.

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

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

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

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

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

17 (c) The offense established by this section shall be in addition to and a separate and distinct
18 offense from any other 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.