

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4576**

(BY DELEGATES SOBONYA, WELD, AZINGER, SHOTT,  
MARCUM, BYRD, HICKS, FAST, ROHRBACH AND FRICH)

[Originating in the Committee on the Judiciary,  
February 26, 2016.]



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

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

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

**ARTICLE 4. OFFENSES AND PENALTIES.**

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

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

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

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

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

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

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

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

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

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