

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2136

FISCAL
NOTE

2015 Carryover

(BY DELEGATE R. PHILLIPS, WALTERS, ELDRIDGE, BYRD,
SMITH, R., REYNOLDS, STORCH AND MOFFATT)

[Introduced January 13, 2016; referred to the
Committee on the Judiciary then Finance.]

1 A BILL to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended,
 2 relating to increasing the criminal penalties for the transportation of controlled substances
 3 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
 2 for any person to transport into this state a controlled substance with the intent to deliver the
 3 same 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 is guilty of a felony and, upon conviction, ~~may~~ shall be imprisoned in ~~the~~ a state correctional
 7 facility for not less than ~~one year~~ five years nor more than fifteen years, or fined not more than
 8 ~~\$25,000~~ \$50,000, or both fined and imprisoned;

9 (2) Any other controlled substance classified in Schedule I, II or III ~~shall be~~ is guilty of a
 10 felony and, upon conviction, ~~may~~ 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 more than ~~\$15,000~~ \$25,000,
 12 or both fined and imprisoned;

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

16 imprisoned:

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

22 (c) The offense established by this section shall be in addition to and a separate and
23 distinct 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.