

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4292

FISCAL
NOTE

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[Introduced January 27, 2016; Referred
to the Committee on Select Committee on Prevention
and Treatment of Substance Abuse then the
Judiciary.]

1 A BILL amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating
 2 to increasing criminal incarceration penalties for the transportation of controlled
 3 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
 2 and 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 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 is guilty of a felony and, upon conviction, ~~may shall~~ be imprisoned in ~~the a~~ state correctional facility
 7 for not less than ~~one year~~ eighteen months nor more than fifteen years, or fined not more than
 8 \$25,000, 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 less
 11 than ~~one year~~ eighteen months nor more than five years, or fined not more than \$15,000, or both
 12 fined and imprisoned;

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

16 (4) A substance classified in Schedule V ~~shall be~~ is guilty of a misdemeanor and, upon

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

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

NOTE: The purpose of this bill is to increase criminal incarceration penalties for the transportation of 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.