

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

House Bill 2579

BY DELEGATES SOBONYA, ROMINE, R., UPSON, FOSTER,

G., FOSTER, N., SUMMERS, STORCH, ARVON, MILLER,

ROHRBACH AND ZATEZALO

[Originating in the Judiciary Committee]

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;
3 and providing for a differing penalty as to marihuana.

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 Provided, That for the substance marihuana, as designated pursuant to subdivision (24)
13 subsection (d), section two hundred four, article two of this chapter, the penalty, upon conviction
14 of a violation of this subsection, may be imprisoned in the state correctional facility for not less
15 than one year nor more than five years, or fined not more than \$15,000, or both fined and
16 imprisoned.

17 (3) A substance classified in Schedule IV shall be guilty of a felony and, upon conviction,

18 may be imprisoned in the state correctional facility for not less than one year nor more than three
19 years, or fined not more than \$10,000, or both;

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

24 (c) The offense established by this section shall be in addition to and a separate and
25 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.