

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2602

FISCAL
NOTE

BY DELEGATES CANESTRARO AND LOVEJOY

[Introduced February 21, 2017; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

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

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 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~~ five years nor more than fifteen years, or fined not more than \$25,000, or both;

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

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

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

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

NOTE: The purpose of this bill is to increase penalties for transportation of controlled substances into the State of West Virginia.

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