

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2660

**FISCAL
NOTE**

BY DELEGATES MARCUM, HICKS, THOMPSON, FRICH,

DEEM, COOPER AND ELDRIDGE

[Introduced February 22, 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,
2 relating 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 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 is guilty of a felony and, upon conviction, ~~may shall~~ be imprisoned in ~~the a~~ 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~~ 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.