

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2671

FISCAL
NOTE

BY DELEGATES R. MILLER, LOVEJOY, SOBONYA AND

MAYNARD

[Introduced February 22, 2017; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §60A-4-414, relating to providing that the manufacture, possession, or
 3 distribution of a controlled substance that is subsequently delivered is deemed delivery
 4 pursuant to the Controlled Substances Act.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §60A-4-414, to read as follows:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Participation of acts contributing to delivery of a controlled substance.

1 Any person who knowingly or intentionally commits a felony that is part of a series of acts
 2 that proximity causes the manufacture, possession or subsequent delivery of a controlled
 3 substance, for the purposes of this article, is guilty of the delivery of that controlled substance.

NOTE: The purpose of this bill is to create a new offense relating to the distribution of controlled substances; providing that committing a felony relating to the manufacture, possession, or distribution of a controlled substance equals distribution of the controlled substance.

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