

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2668**

BY MR. SPEAKER (MR. ARMSTEAD) AND DELEGATE MILEY

BY REQUEST OF THE EXECUTIVE

[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 the minimum criminal penalty for transportation of a Schedule I or II  
 3 narcotic drug into the state from one year to three years.

*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~~ three years nor more than fifteen years, or fined not more than \$25,000, or  
 8 both fined and confined;

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 nor more than five years, or fined not more than \$15,000, or both fined and confined;

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

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

18 substance classified as Schedule V in article ten of this chapter, the penalties established in ~~said~~  
19 that article apply.

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

NOTE: The purpose of this bill is to increase the minimum criminal penalty for transportation of a Schedule I or II narcotic drug into the state from one year to three years.

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