

1 **H. B. 2152**

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3 (By Delegates Iaquina and Talbott)

4 [Introduced January 12, 2011; referred to the  
5 Committee on the Judiciary.]  
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto a new section, designated §60A-4-401a, relating  
12 to establishing threshold quantities of certain controlled  
13 substances to trigger prima facie evidence of intent to  
14 deliver if possessed by an individual.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §60A-4-401a, to read as  
18 follows:

19 **ARTICLE 4. OFFENSES AND PENALTIES.**

20 §60A-4-401a. Threshold quantities of certain controlled substances  
21 constitute prima facie evidence of intent to  
22 deliver.

23 Prima facie evidence of intent to distribute or deliver the  
24 following controlled substances is established in the event a

1 person possesses, at least as much as any of the following  
2 threshold amounts of the particular controlled substance:

- 3     (a) 45 grams of marijuana;
- 4     (b) Three grams of cocaine base;
- 5     (c) Three grams of cocaine;
- 6     (d) Three grams of methamphetamine; and
- 7     (e) Three grams of heroin.

NOTE: The purpose of this bill is to establish threshold quantities of certain controlled substances to trigger prima facie evidence of intent to deliver if possessed by an individual.

This section is new; therefore, it has been completely underscored.