

E N G R O S S E D
COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 552

(By Senators Plymale, Tucker, D. Hall and Palumbo)

[Originating in the Committee on the Judiciary;
reported February 19, 2014.]

A BILL to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the penalty for illegally transporting Schedule I and II narcotic controlled substances into the state by making the penalty a determinate sentence of not more than fifteen years; and exempting from coverage of the statute certain methamphetamine precursors.

Be it enacted by the Legislature of West Virginia:

That §60A-4-409 of the Code of West Virginia, 1931, as amended, be amended and 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
2 code, it ~~shall be~~ is unlawful for any person to transport ~~into this~~
3 ~~state~~ a controlled substance into this state with the intent to
4 ~~deliver the same or with the intent to manufacture a controlled~~
5 ~~substance~~ that it be delivered to another.

6 (b) Any person who violates this section with respect to:

7 (1) A controlled substance classified in Schedule I or II,
8 which is a narcotic drug, ~~shall be~~ is guilty of a felony and, upon
9 conviction, may be imprisoned in the state correctional facility
10 ~~for not less than one year nor~~ a determinate sentence of not more
11 ~~than fifteen years, or fined not more than \$25,000, or both;~~

12 (2) Any other controlled substance classified in Schedule I,
13 II or III ~~shall be~~ is guilty of a felony and, upon conviction, may
14 be imprisoned in the state correctional facility for not less than
15 one year nor more than five years, or fined not more than
16 \$15,000, or both;

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17 (3) A substance classified in Schedule IV ~~shall be~~ that is
18 not addressed in and regulated by the provisions of article ten
19 of this chapter is guilty of a felony and, upon conviction, may
20 be imprisoned in the state correctional facility for not less
21 than one year nor more than three years, or fined not more
22 than \$10,000, or both; or

23 (4) A substance classified in Schedule V ~~shall be~~ is guilty
24 of a misdemeanor and, upon conviction, may be confined in
25 jail for not less than six months nor more than one year, or
26 fined not more than \$5,000, or both. ~~Provided, That for~~
27 ~~offenses relating to any substance classified as Schedule V in~~
28 ~~article ten of this chapter, the penalties established in said~~
29 ~~that article apply.~~

30 (c) The offense established by this section ~~shall be~~ is in
31 addition to and a separate and distinct offense from any other
32 offense set forth in this code.