

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 547

By Senators Deeds, Azinger, Chapman, Hunt,
Karnes, Oliverio, Queen, Roberts, Stuart, Taylor,
Woodrum, Smith, Maynard, and Hamilton

[Introduced February 02, 2023; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §60A-4-401, §60A-4-409, §60A-4-414, and §60A-4-416 of the Code
 2 of West Virginia, 1931, as amended, all relating to increasing the penalties for drug
 3 possession and updating the list of offenses; and addressing certain deficiencies within the
 4 existing statute.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-401. Prohibited acts A; penalties.

1 (a) Except as authorized by this act, it is unlawful for any person to manufacture, deliver, or
 2 possess with intent to manufacture or deliver a controlled substance.

3 Any person who violates this subsection with respect to:

4 (i) A controlled substance classified in Schedule I or II, which is a narcotic drug or which is
 5 methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state
 6 correctional facility for not less than ~~one year nor more than three years~~ nor more than 15 years, or
 7 fined not more than \$50,000, or both fined and imprisoned: ~~Provided, That any person who~~
 8 ~~violates this section knowing that the controlled substance classified in Schedule II is fentanyl,~~
 9 ~~either alone or in combination with any other substance shall be fined not more than \$50,000, or~~
 10 ~~be imprisoned in a state correctional facility for not less than 3 nor more than 15 years, or both~~
 11 ~~fined and imprisoned;~~

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

15 (iii) A substance classified in Schedule IV is guilty of a felony and, upon conviction thereof,
 16 may be imprisoned in a state correctional facility for not less than one year nor more than three
 17 years, or fined not more than \$10,000, or both fined and imprisoned;

18 (iv) A substance classified in Schedule V is guilty of a misdemeanor and, upon conviction
 19 thereof, may be confined in jail for not less than six months nor more than one year, or fined not

20 more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any
21 substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in
22 said article apply.

23 ~~(b) Except as authorized by this act, it is unlawful for any person to create, deliver, or~~
24 ~~possess with intent to deliver, a counterfeit substance.~~

25 ~~Any person who violates this subsection with respect to:~~

26 ~~(i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or~~
27 ~~methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state~~
28 ~~correctional facility for not less than one year nor more than 15 years, or fined not more than~~
29 ~~\$25,000, or both fined and imprisoned;~~

30 ~~(ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and,~~
31 ~~upon conviction thereof, may be imprisoned in a state correctional facility for not less than one~~
32 ~~year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;~~

33 ~~(iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon~~
34 ~~conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor~~
35 ~~more than three years, or fined not more than \$10,000, or both fined and imprisoned;~~

36 ~~(iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon~~
37 ~~conviction thereof, may be confined in jail for not less than six months nor more than one year, or~~
38 ~~fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any~~
39 ~~substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in~~
40 ~~said article apply. Notwithstanding the provisions of subsection (a) of this section, any person who~~
41 ~~willfully manufactures, delivers or possesses with the intent to manufacture or deliver one kilogram~~
42 ~~or more of heroin, one kilogram or more of cocaine or cocaine base, one hundred grams or more of~~
43 ~~phencyclidine, ten grams or more of lysergic acid diethylamide, or fifty grams or more of~~
44 ~~methamphetamine, or five grams or more of fentanyl, is guilty of a felony and, upon conviction~~
45 ~~thereof, shall be imprisoned in a state correctional facility for an indeterminate sentence of not less~~

46 than ten nor more than thirty years, or fined not more than \$100,000, or both fined and imprisoned.

47 ~~(c) It is unlawful for any person knowingly or intentionally to possess a controlled~~
48 ~~substance unless the substance was obtained directly from, or pursuant to, a valid prescription or~~
49 ~~order of a practitioner while acting in the course of his or her professional practice, or except as~~
50 ~~otherwise authorized by this act. Any person who violates this subsection is guilty of a~~
51 ~~misdemeanor, and disposition may be made under §60A-4-407 of this code, subject to the~~
52 ~~limitations specified in said section, or upon conviction thereof, the person may be confined in jail~~
53 ~~not less than 90 days nor more than six months, or fined not more than \$1,000, or both fined and~~
54 ~~confined: *Provided*, That notwithstanding any other provision of this act to the contrary, any first~~
55 ~~offense for possession of synthetic cannabinoids as defined by §60A-1-101(d)(32) of this code;~~
56 ~~3,4-methylenedioxypropylvalerone (MPVD) and 3,4-methylenedioxypropylvalerone and/or~~
57 ~~mephedrone as defined in §60A-1-101(f) of this code; or less than 15 grams of marijuana, shall be~~
58 ~~disposed of under §60A-4-407 of this code.~~

59 ~~(d) It is unlawful for any person knowingly or intentionally:~~

60 ~~(1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation~~
61 ~~controlled substance; or~~

62 ~~(2) To create, possess, sell, or otherwise transfer any equipment with the intent that the~~
63 ~~equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint,~~
64 ~~number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled~~
65 ~~substance, or the container or label of a counterfeit substance or an imitation controlled~~
66 ~~substance.~~

67 ~~(3) Any person who violates this subsection is guilty of a misdemeanor and, upon~~
68 ~~conviction thereof, may be confined in jail for not less than six months nor more than one year, or~~
69 ~~fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who~~
70 ~~violates subdivision (1) of this subsection and distributes or delivers an imitation controlled~~
71 ~~substance to a minor child who is at least three years younger than that person is guilty of a felony~~

72 and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than
73 one year nor more than three years, or fined not more than \$10,000, or both fined and imprisoned.

74 (4) ~~The provisions of subdivision (1) of this subsection shall not apply to a practitioner who~~
75 ~~administers or dispenses a placebo.~~

76 (c) Notwithstanding the provisions of subsection (a) of this section, any person who willfully
77 manufactures or delivers or possesses with intent to manufacture or deliver not less than one
78 hundred but fewer than one thousand grams of heroin, not less than one hundred but fewer than
79 one thousand grams of cocaine or cocaine base, not less than ten but fewer than one hundred
80 grams of phencyclidine, not less than one but fewer than ten grams of lysergic acid diethylamide,
81 or not less than five but fewer than fifty grams of methamphetamine, or one gram or more but less
82 than five grams of fentanyl, is guilty of a felony and, upon conviction thereof, shall be imprisoned in
83 a state correctional facility for an indeterminate sentence of not less than five nor more than twenty
84 years, or fined not more than \$75,000, or both fined and imprisoned.

85 (d) Notwithstanding the provisions of subsection (a) of this section, any person who willfully
86 manufactures or delivers or possesses with intent to manufacture or deliver not less than ten
87 grams nor more than one hundred grams of heroin, not less than ten grams nor more than one
88 hundred grams of cocaine or cocaine base, not less than two grams nor more than ten grams of
89 phencyclidine, not less than two hundred micrograms nor more than one gram of lysergic acid
90 diethylamide, or not less than one gram nor more than five grams of methamphetamine, or less
91 than one gram of fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a
92 state correctional facility for an indeterminate sentence of not less than three nor more than fifteen
93 years, or fined not more than \$50,000, or both fined and imprisoned.

94 (e) For purposes of determining the weight of any controlled substance under this section,
95 a mixture need contain only a detectable amount of a controlled substance for the entire mixture to
96 be considered that controlled substance. If a mixture or substance contains more than one
97 controlled substance, the weight of the entire mixture or substance is assigned to the controlled

98 substance that results in the greater offense penalty.

99 (f) Under this section, where one act involves two or more controlled substances, the
100 manufacture, delivery, or possession with intent to manufacture or deliver of each controlled
101 substance shall be considered a separate and distinct offense unless the controlled substances
102 are mixed together.

103 (g) Except as authorized by this act, it is unlawful for any person to create, deliver, or
104 possess with intent to deliver, a counterfeit substance.

105 Any person who violates this subsection with respect to:

106 (i) A counterfeit substance classified in Schedule I or II, which is a narcotic drug, or
107 methamphetamine, is guilty of a felony and, upon conviction thereof, may be imprisoned in a state
108 correctional facility for not less than one year nor more than 15 years, or fined not more than
109 \$25,000, or both fined and imprisoned;

110 (ii) Any other counterfeit substance classified in Schedule I, II, or III is guilty of a felony and,
111 upon conviction thereof, may be imprisoned in a state correctional facility for not less than one
112 year nor more than five years, or fined not more than \$15,000, or both fined and imprisoned;

113 (iii) A counterfeit substance classified in Schedule IV is guilty of a felony and, upon
114 conviction thereof, may be imprisoned in a state correctional facility for not less than one year nor
115 more than three years, or fined not more than \$10,000, or both fined and imprisoned;

116 (iv) A counterfeit substance classified in Schedule V is guilty of a misdemeanor and, upon
117 conviction thereof, may be confined in jail for not less than six months nor more than one year, or
118 fined not more than \$5,000, or both fined and confined: *Provided*, That for offenses relating to any
119 substance classified as Schedule V in §60A-10-1 *et seq.* of this code, the penalties established in
120 said article apply.

121 ~~(e)~~ (h) It is unlawful for any person knowingly or intentionally to possess a controlled
122 substance unless the substance was obtained directly from, or pursuant to, a valid prescription or
123 order of a practitioner while acting in the course of his or her professional practice, or except as

124 otherwise authorized by this act.

125 Any person who violates this subsection with respect to: A controlled substance classified
126 in Schedule I or II, which is a narcotic drug or which is methamphetamine, is guilty of a felony and,
127 upon conviction thereof, may be imprisoned in a state correctional facility for not less than 1 year
128 nor more than 5 years, or fined not more than \$10,000 or both fined and imprisoned.

129 Any person who violates this subsection with respect to a controlled substance other than
130 those set forth in (h) is guilty of a misdemeanor, and disposition may be made under §60A-4-407 of
131 this code, subject to the limitations specified in said section, or upon conviction thereof, the person
132 may be confined in jail not less than 90 days nor more than six months, or fined not more than
133 \$1,000, or both fined and confined: *Provided*, That notwithstanding any other provision of this act
134 to the contrary, any first offense for possession of synthetic cannabinoids as defined by §60A-1-
135 101(d)(32) of this code; 3,4-methylenedioxypropylvalerone (MPVD) and 3,4-
136 methylenedioxypropylvalerone and/or mephedrone as defined in §60A-1-101(f) of this code; or less
137 than 15 grams of marijuana, shall be disposed of under §60A-4-407 of this code.

138 ~~(d)~~ (i) It is unlawful for any person knowingly or intentionally:

139 (1) To create, distribute, deliver, or possess with intent to distribute or deliver, an imitation
140 controlled substance; or

141 (2) To create, possess, sell, or otherwise transfer any equipment with the intent that the
142 equipment shall be used to apply a trademark, trade name, or other identifying mark, imprint,
143 number, or device, or any likeness thereof, upon a counterfeit substance, an imitation controlled
144 substance, or the container or label of a counterfeit substance or an imitation controlled
145 substance.

146 (3) Any person who violates this subsection is guilty of a misdemeanor and, upon
147 conviction thereof, may be confined in jail for not less than six months nor more than one year, or
148 fined not more than \$5,000, or both fined and confined. Any person 18 years old or more who
149 violates subdivision (1) of this subsection and distributes or delivers an imitation controlled

150 substance to a minor child who is at least three years younger than that person is guilty of a felony
 151 and, upon conviction thereof, may be imprisoned in a state correctional facility for not less than
 152 one year nor more than ~~three~~ five years, or fined not more than \$10,000, or both fined and
 153 imprisoned.

154 (4) The provisions of subdivision (1) of this subsection shall not apply to a practitioner who
 155 administers or dispenses a placebo.

156 (5) The sentences provided in this section upon conviction for a violation of this article
 157 are mandatory and are not subject to suspension or probation.

§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 is unlawful for any
 2 person to transport or cause to be transported into this state a controlled substance with the intent
 3 to deliver the same 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 thereof, may be imprisoned in the state correctional facility
 7 for not less than ~~one~~ 10 years nor more than ~~15~~ 20 years, or fined not more than ~~\$25,000~~ \$50,000
 8 or both fined and imprisoned. ~~Provided, That any person who violates this section knowing that the~~
 9 ~~controlled substance classified in Schedule II is fentanyl, either alone or in combination with any~~
 10 ~~other substance shall be fined not more than \$50,000 or imprisoned in a state correctional facility~~
 11 ~~for a definite term of not less than 10 nor more than 20 years, or both fined and imprisoned~~

12 (2) Any other controlled substance classified in Schedule I, II or III shall be guilty of a
 13 felony and, upon conviction thereof, may be imprisoned in the state correctional facility for not less
 14 than one year nor more than 10 years, or fined not more than \$15,000, or both: Provided, That for
 15 the substance marijuana, as scheduled in subdivision (24) subsection (d), §60A-2-204 of this
 16 code, the penalty, upon conviction of a violation of this subsection, shall be that set forth in
 17 subdivision (3) of this subsection.

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

21 (4) A substance classified in Schedule V shall be guilty of a misdemeanor and, upon
22 conviction thereof, may be confined in jail for not less than six months nor more than one year, or
23 fined not more than \$5,000, or both: Provided, That for offenses relating to any substance
24 classified as Schedule V in §60A-10-1 et seq. of this code, the penalties established in said article
25 apply.

26 (c) Notwithstanding the provisions of subsection (b) of this section, any person violating or
27 causing a violation of subsection (a) of this section involving one kilogram or more of heroin, ~~five~~
28 one kilograms or more of cocaine or cocaine base, 100 grams or more of phencyclidine, 10 grams
29 or more of lysergic acid diethylamide, or 50 grams or more of methamphetamine or five grams or
30 more of fentanyl ~~500 grams of a substance or material containing a measurable amount of~~
31 ~~methamphetamine~~, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
32 correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 15 nor more
33 than 30 years.

34 (d) Notwithstanding the provisions of subsection (b) of this section, any person violating or
35 causing a violation of subsection (a) of this section involving 100 but fewer than 1,000 grams of
36 heroin, not less than ~~500~~ 100 but fewer than ~~5,000~~ 1000 grams of cocaine or cocaine base, not
37 less than ten but fewer than 99 grams of phencyclidine, not less than one but fewer than 10 grams
38 of lysergic acid diethylamide, or not less than five but fewer than 50 grams of methamphetamine or
39 ~~not less than 50 grams but fewer than 500 grams of a substance or material containing a~~
40 ~~measurable amount of methamphetamine,~~ or one gram or more but less than five grams of
41 fentanyl is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
42 correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 7 nor more
43 than 20 years.

44 (e) Notwithstanding the provisions of subsection (b) of this section, any person violating or
 45 attempting to violate the provisions of subsection (a) of this section involving not less than 10
 46 grams nor more than 100 grams of heroin, not less than ~~50~~ 10 grams nor more than ~~500~~ 100
 47 grams of cocaine or cocaine base, not less than two grams nor more than 10 grams of
 48 phencyclidine, not less than 200 micrograms nor more than one gram of lysergic acid
 49 diethylamide, or not less than ~~499 milligrams~~ one gram nor more than five grams of
 50 methamphetamine or not less than 20 grams nor more than 50 grams of a substance or material
 51 containing a measurable amount of methamphetamine or less than one gram of fentanyl is guilty
 52 of a felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a
 53 ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 5 nor more than 15 years.

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

56 (g) For purposes of determining the weight of any controlled substance under this section,
 57 a mixture need contain only a detectable amount of a controlled substance for the entire mixture to
 58 be considered that controlled substance. If a mixture or substance contains more than one
 59 controlled substance, the weight of the entire mixture or substance is assigned to the controlled
 60 substance that results in the greater offense penalty.

61 (h) Under this section, where the transportation into the state involves two or more
 62 controlled substances, the transportation into the state of each controlled substance shall be
 63 considered a separate and distinct offense unless the controlled substances are mixed together.

64 (5) The sentences provided in this section upon conviction for a violation of this article are
 65 mandatory and are not subject to suspension or probation.

§60A-4-414. Conspiracy.

1 (a) Any person who willfully conspires with one or more persons to commit a felony
 2 violation of section four hundred one [§ 60A-4-401] of this article, if one or more of such persons
 3 does any act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof,

4 shall be imprisoned in a state correctional facility for a determinate sentence of not less than two
5 nor more than ten years: Provided, That the provisions of this subsection are inapplicable to felony
6 violations of section four hundred one of this article prohibiting the manufacture, delivery or
7 possession with intent to manufacture or deliver marijuana.

8 (b) Notwithstanding the provisions of subsection (a) of this section, any person who
9 willfully conspires with one or more persons to manufacture, deliver or possess with intent to
10 manufacture or deliver one kilogram or more of heroin, ~~five~~ one kilograms or more of cocaine or
11 cocaine base, one hundred grams or more of phencyclidine, ten grams or more of lysergic acid
12 diethylamide, or fifty grams or more of methamphetamine or five grams or more of fentanyl ~~five~~
13 ~~hundred grams of a substance or material containing a measurable amount of methamphetamine,~~
14 if one or more of such persons does any act to effect the object of the conspiracy, is guilty of a
15 felony and, upon conviction thereof, shall be imprisoned in a state correctional facility for a
16 ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 5 nor more than thirty years.

17 (c) Notwithstanding the provisions of subsection (a) of this section, any person who
18 willfully conspires with one or more persons to manufacture, deliver or possess with intent to
19 manufacture or deliver not less than one hundred but fewer than one thousand grams of heroin,
20 not less than ~~five~~ one hundred but fewer than ~~five~~ one thousand grams of cocaine or cocaine base,
21 not less than ten but fewer than one hundred grams of phencyclidine, not less than one but fewer
22 than ten grams of lysergic acid diethylamide, or not less than five but fewer than fifty grams of
23 methamphetamine or one gram or more but less than five grams of fentanyl ~~not less than fifty~~
24 ~~grams but fewer than five hundred grams of a substance or material containing a measurable~~
25 ~~amount of methamphetamine,~~ if one or more of such persons does any act to effect the object of
26 the conspiracy, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a state
27 correctional facility for a ~~determinate~~ an indeterminate sentence of not less than ~~two~~ 3 nor more
28 than twenty years.

29 (d) Notwithstanding the provisions of subsection (a) of this section, any person who

30 willfully conspires with one or more persons to manufacture, deliver, possess with intent to
31 manufacture or deliver not less than ten grams nor more than one hundred grams of heroin, not
32 less than ~~forty~~ ten grams nor more than ~~five~~ one hundred grams of cocaine or cocaine base, not
33 less than two grams nor more than ten grams of phencyclidine, not less than two hundred
34 micrograms nor more than one gram of lysergic acid diethylamide, or not less than ~~four hundred~~
35 ~~ninety-nine milligrams~~ one gram nor more than five grams of methamphetamine or less than one
36 gram of fentanyl ~~not less than twenty grams nor more than fifty grams of a substance or material~~
37 ~~containing a measurable amount of methamphetamine~~, if one or more of such persons does any
38 act to effect the object of the conspiracy, is guilty of a felony and, upon conviction thereof, shall be
39 imprisoned in a state correctional facility for a ~~determinate~~ an indeterminate sentence of not less
40 than two nor more than fifteen years.

41 (e) The trier of fact shall determine the quantity of the controlled substance attributable to
42 the defendant beyond a reasonable doubt based on evidence adduced at trial.

43 (f) The determination of the trier of fact as to the quantity of controlled substance
44 attributable to the defendant in a charge under this section may include all of the controlled
45 substances manufactured, delivered or possessed with intent to deliver or manufacture by other
46 participants or members of the conspiracy.

47 (g) For purposes of determining the weight of any controlled substance under this section,
48 a mixture need contain only a detectable amount of a controlled substance for the entire mixture to
49 be considered that controlled substance. If a mixture or substance contains more than one
50 controlled substance, the weight of the entire mixture or substance is assigned to the controlled
51 substance that results in the greater offense penalty.

52 (h) Under this section, where the conspiracy involves two or more controlled substances,
53 each controlled substance shall be considered a separate and distinct offense unless the
54 controlled substances are mixed together.

55 ~~(g)~~ (i) Offenses in this section proscribing conduct involving lesser quantities are lesser

56 included offenses of offenses proscribing conduct involving larger quantities.

57 ~~(h)~~ (j) No person may be charged under the provisions of section thirty-one [§ 61-10-31],
58 article ten, chapter sixty-one of this code for conduct that is charged under this section.

59 ~~(i)~~ (k) Nothing in this section may be construed to place any limitation whatsoever upon
60 alternative sentencing options available to a court.

§60A-4-416. Drug delivery resulting in death; failure to render aid.

1 (a) Any person who knowingly and willfully delivers a controlled substance or counterfeit
2 controlled substance in violation of the provisions of section four hundred one, article four of this
3 chapter for an illicit purpose and the use, ingestion or consumption of the controlled substance or
4 counterfeit controlled substance alone or in combination with one or more other controlled
5 substances, proximately causes the death of a person using, ingesting or consuming the
6 controlled substance, is guilty of a felony and, upon conviction thereof, shall be imprisoned in a
7 state correctional facility for a determinate sentence of not less than ~~three~~ 10 years nor more than
8 40 years. A person imprisoned pursuant to the provisions of this section is not eligible for parole
9 prior to having served a minimum of 10 years of his or her sentence.

10 (b) Any person who, while engaged in the illegal use of a controlled substance with
11 another, who knowingly fails to seek medical assistance for such other person when the other
12 person suffers an overdose of the controlled substance or suffers a significant adverse physical
13 reaction to the controlled substance and the overdose or adverse physical reaction proximately
14 causes the death of the other person, is guilty of a felony and, upon conviction thereof, shall be
15 imprisoned for not less than ~~one year~~ two years nor more than ten years. A person imprisoned
16 pursuant to the provisions of this section is not eligible for parole prior to having served a minimum
17 of two years of his or her sentence.

18 (c) The sentences provided in this section upon conviction for a violation of this article are
19 mandatory and are not subject to suspension or probation.

NOTE: The purpose of this bill is to enhance the penalties for drug offenses and to match

the federal drug offenses penalties.

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