

FILED FEB 23 1976

SENATE FILE 1196

By COMMITTEE ON JUDICIARY

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the inclusion of an accommodation offense
2 under a charge of delivering or possessing with the intent
3 to deliver marijuana and providing a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section two hundred four point four hundred
2 ten (204.410), Code 1975, is amended by striking the section
3 and inserting in lieu thereof the following:

4 204.410 ACCOMMODATION OFFENSE. In a prosecution for
5 unlawful delivery or possession with intent to deliver
6 marijuana, if the prosecution proves that the defendant vio-
7 lated the provisions of section two hundred four point four
8 hundred one (204.401), subsection one (1), of the Code, but
9 fails to prove that the defendant delivered or possessed with
10 the intent to deliver marijuana for the purpose of making
11 a profit, the defendant shall be guilty of an accommodation
12 offense. Any person convicted of an accommodation offense
13 shall be imprisoned in the county jail for not to exceed one
14 year or be fined not to exceed one thousand dollars or be
15 subject to both such fine and imprisonment. An accommodation
16 offense may be proved as an included offense under a charge
17 of delivering or possessing with the intent to deliver mari-
18 juana in violation of section two hundred four point four
19 hundred one (204.401), subsection one (1), of the Code.

20 EXPLANATION

21 This bill strikes the existing accommodation offense pro-
22 visions of the Code and replaces it with a provision which
23 provides that if the state proves that a person delivered
24 or possessed with the intent to deliver marijuana, but fails
25 to prove that the person did so with the intent to make a
26 profit the person is subject to a lesser penalty.

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