

FEB 15 1996
JUDICIARY

HOUSE FILE 2220
BY DINKLA

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

A BILL FOR

1 An Act increasing the penalties for certain methamphetamine
2 offenses.

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

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HF 2220

1 Section 1. Section 124.401, subsection 1, paragraph a,
2 Code 1995, is amended by adding the following new
3 subparagraph:

4 NEW SUBPARAGRAPH. (7) More than one kilogram of a mixture
5 or substance containing a detectable amount of
6 methamphetamine, its salts, isomers, and salts of isomers.

7 Sec. 2. Section 124.401, subsection 1, paragraph b, Code
8 1995, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (7) More than one hundred grams but not
10 more than one kilogram of a mixture or substance containing a
11 detectable amount of methamphetamine, its salts, isomers, and
12 salts of isomers.

13 Sec. 3. Section 124.401, subsection 1, paragraph c,
14 subparagraph (6), Code 1995, is amended to read as follows:

15 (6) One hundred grams or less of a mixture or substance
16 containing a detectable amount of methamphetamine, its salts,
17 isomers, and salts of isomers.

18 (7) Any quantity of any other controlled substance,
19 counterfeit substance, or simulated controlled substance
20 classified in schedule I, II, or III.

21 Sec. 4. Section 232.22, subsection 1, paragraph e,
22 subparagraph (3), Code Supplement 1995, is amended to read as
23 follows:

24 (3) A mixture or substance containing methamphetamine, its
25 salts, isomers, and salts of isomers, and if the act was
26 committed by an adult, it would be a violation of section
27 124.401, subsection 1, paragraph ~~"c"~~, subparagraph (6).

28 EXPLANATION

29 This bill increases the penalties for the manufacture,
30 delivery, or possession with intent to manufacture or deliver
31 certain amounts of a mixture or substance containing
32 methamphetamine, as well as the penalties for conspiracy to
33 commit these offenses. Under current law, the offenses are
34 class "C" felonies punishable by a term of imprisonment not to
35 exceed 10 years and a fine of not less than \$1000 or more than

1 \$50,000, regardless of the amount of methamphetamine involved
2 in the offense.

3 Section 1 of the bill provides that an offense involving
4 more than one kilogram of a mixture or a substance containing
5 methamphetamine is a class "B" felony punishable by a term of
6 imprisonment not to exceed 50 years and a fine of not more
7 than \$1,000,000. Because the offense is created in section
8 124.401, subsection 1, paragraph "a", defendants awaiting
9 judgment and sentencing following a plea or verdict and
10 defendants appealing a conviction shall not be admitted to
11 bail pursuant to section 811.1.

12 Section 2 of the bill provides that an offense involving
13 more than one hundred grams but not more than one kilogram of
14 methamphetamine is a class "B" felony punishable by a term of
15 imprisonment not to exceed 25 years and a fine of not less
16 than \$5,000 or more than \$100,000.

17 Section 3 of the bill provides that an offense involving
18 one hundred grams or less of methamphetamine is a class "C"
19 felony punishable by a term of imprisonment not to exceed 10
20 years and a fine of not less than \$1,000 or more than \$50,000.
21 Section 3 of the bill also provides that manufacture,
22 delivery, or possession with intent to manufacture or deliver
23 any quantity of any other controlled substance is a class "C"
24 felony.

25 Section 4 of the bill makes a corresponding change to
26 reflect the new methamphetamine offenses in a provision
27 pertaining to placement in juvenile detention.

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