

WITHDRAWN

JAN 31 1997

JUDICIARY

HOUSE FILE

BY LARSON

129

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act to increase the penalties for the manufacture, delivery,
2 or possession with intent to manufacture or deliver
3 amphetamine or any substance containing amphetamine.

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

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WITHDRAWN

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1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (2), subparagraph subdivision (e), Code 1997, is
3 amended to read as follows:

4 (e) Amphetamine, its salts, isomers, and salts of isomers.

5 ~~(e)~~ (f) Any compound, mixture, or preparation which
6 contains any quantity of any of the substances referred to in
7 subparagraph subdivisions (a) through ~~(d)~~ (e).

8 Sec. 2. Section 124.401, subsection 1, paragraph b, Code
9 1997, is amended by adding the following new subparagraph:

10 NEW SUBPARAGRAPH. (8) More than five grams but not more
11 than five kilograms of amphetamine, its salts, isomers, or
12 salts of isomers, or any compound, mixture, or preparation
13 which contains any quantity of detectable amount of
14 amphetamine, its salts, isomers, and salts of isomers.

15 Sec. 3. Section 124.401, subsection 1, paragraph c, Code
16 1997, is amended by adding the following new subparagraph (7)
17 and renumbering the subsequent subparagraph:

18 NEW SUBPARAGRAPH. (7) Five grams or less of amphetamine,
19 its salts, isomers, or salts of isomers, or any compound,
20 mixture, or preparation which contains any quantity or
21 detectable amount of amphetamine, its salts, isomers, and
22 salts of isomers.

23 EXPLANATION

24 This bill increases the penalties for the manufacture,
25 delivery, or possession with intent to manufacture or deliver
26 certain amounts of amphetamine or any compound, mixture or
27 preparation containing amphetamine, as well as the penalties
28 for conspiracy to commit these offenses. Currently, the
29 offenses are class "C" felonies punishable by a term of
30 imprisonment not to exceed 10 years and a fine of not less
31 than \$1,000 or more than \$50,000, regardless of the amount of
32 amphetamine involved in the offense.

33 The bill provides that an offense involving more than five
34 kilograms of amphetamine or a compound containing amphetamine
35 is a class "B" felony punishable by a term of imprisonment not

1 to exceed 50 years and a fine of not more than \$1 million.
2 Because the offense is created in section 124.401, subsection
3 1, paragraph "a", defendants awaiting judgment and sentencing
4 following a plea or verdict and defendants appealing a
5 conviction for this offense cannot be admitted to bail under
6 section 811.1.

7 The bill further provides that an offense involving more
8 than five grams but not more than five kilograms of
9 amphetamine or a compound containing amphetamine is a class
10 "B" felony punishable by a term of imprisonment not to exceed
11 25 years and a fine of not less than \$5,000 or more than
12 \$100,000.

13 The bill also provides that an offense involving five grams
14 or less of amphetamine or a compound containing amphetamine is
15 a class "C" felony punishable by a term of imprisonment not to
16 exceed 10 years and a fine of not less than \$1,000 or more
17 than \$50,000.

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