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3-4/10/97 Unfinished Business Calendar

MAR 18 1997
Place On Calendar

HOUSE FILE 666
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 129)

Passed House, Date 3/25/97 (p.791) Passed Senate, Date 4-28-97
Vote: Ayes 96 Nays 3 Vote: Ayes 50 Nays 0
Approved May 6, 1997

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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HF 666

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 than 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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**HOUSE FILE 666
FISCAL NOTE**

The estimate for House File 666 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 666 increases the penalty for manufacture, delivery, or possession with intent to manufacture or deliver amphetamines from a Class C felony to a Class B felony.

ASSUMPTIONS

1. Charge, conviction, sentencing patterns, length of stay, revocation rates, and other corrections system policies will remain the same.
2. There will be 160 convictions per year affected by this Bill.
3. The marginal cost for adding one inmate to the prison system is \$12 per day.

CORRECTIONAL IMPACT

The prison system will have 12 additional inmates in FY 1998, 36 additional inmates in FY 1999, and 174 additional inmates in FY 2002 due to the change made by this Bill.

FISCAL IMPACT

This change will increase costs for the Department of Corrections by \$53,000 in FY 1998, \$158,000 in FY 1999, and \$762,000 in FY 2002.

SOURCES

Criminal and Juvenile Justice Planning Division,
Department of Human Rights
Department of Corrections

(LSB 1168HV, MDF)

FILED MARCH 26, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

detectable amount of amphetamine, its salts, isomers, and salts of isomers.

HOUSE FILE 666

AN ACT

TO INCREASE THE PENALTIES FOR THE MANUFACTURE, DELIVERY,
OR POSSESSION WITH INTENT TO MANUFACTURE OR DELIVER
AMPHETAMINE OR ANY SUBSTANCE CONTAINING AMPHETAMINE.

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

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

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

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

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

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

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

NEW SUBPARAGRAPH. (7) Five grams or less of amphetamine, its salts, isomers, or salts of isomers, or any compound, mixture, or preparation which contains any quantity or

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 666, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 6, 1997

TERRY E. BRANSTAD
Governor