

SEP 18 2000

LEGISLATIVE

HOUSE FILE

2300

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TYRRELL, BRAUNS, BOAL, and ALONS

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

A BILL FOR

1 An Act relating to the unlawful manufacturing, delivery, or
2 possession with the intent to manufacture or deliver cocaine
3 or substances or counterfeit substances related to cocaine.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2300

1 Section 1. Section 124.401, subsection 1, paragraph b,
2 subparagraph (2), unnumbered paragraph 1, Code Supplement
3 1999, is amended to read as follows:

4 More than ~~five~~ two hundred fifty grams but not more than
5 five kilograms of any of the following:

6 Sec. 2. Section 124.401, subsection 1, paragraph b,
7 subparagraph (3), Code Supplement 1999, is amended to read as
8 follows:

9 (3) More than ~~five~~ twenty-five grams but not more than
10 fifty grams of a mixture or substance described in
11 subparagraph (2) which contains cocaine base.

12 Sec. 3. Section 124.401, subsection 1, paragraph c,
13 subparagraph (2), unnumbered paragraph 1, Code Supplement
14 1999, is amended to read as follows:

15 ~~Five~~ Two hundred fifty grams or less of any of the
16 following:

17 Sec. 4. Section 124.401, subsection 1, paragraph c,
18 subparagraph (3), Code Supplement 1999, is amended to read as
19 follows:

20 (3) ~~Five~~ Twenty-five grams or less of a mixture or
21 substance described in subparagraph (2) which contains cocaine
22 base.

23 EXPLANATION

24 This bill relates to the unlawful manufacturing, delivery,
25 or possession with the intent to manufacture or deliver
26 cocaine or substances or counterfeit substances related to
27 cocaine.

28 The bill provides that a person who unlawfully
29 manufactures, delivers, or possesses with the intent to
30 manufacture or deliver more than 250 grams of a controlled
31 substance or counterfeit substance related to cocaine, or a
32 substance that contains more than 25 grams but not more than
33 50 grams of a cocaine base, the person commits a class "B"
34 felony. The bill also provides that if the amount of the
35 controlled substance is 250 grams or less, or the substance

1 contains 25 grams or less of a cocaine base, the person
2 commits a class "C" felony.

3 Under existing law, a person who unlawfully manufactures,
4 delivers, or possesses with the intent to manufacture or
5 deliver more than 500 grams of a controlled substance or
6 counterfeit substance related to cocaine, or a substance that
7 contains more than five grams but not more than 50 grams of a
8 cocaine base, the person commits a class "B" felony. Current
9 law also provides that if the amount of the controlled
10 substance is 500 grams or less, or the substance contains five
11 grams or less of a cocaine base, the person commits a class
12 "C" felony.

13 A class "C" felony under Code section 124.401, subsection
14 1, paragraph "c", is punishable by confinement for no more
15 than 10 years and a fine of at least \$1,000 but not more than
16 \$50,000. A class "B" felony under Code section 124.401(1)(b)
17 is punishable by confinement for no more than 25 years and a
18 fine of at least \$5,000 but not more than \$100,000.

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