

FILED FEB 14 '01

SENATE FILE

195

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HANSEN, BLACK, KIBBIE, McCOY,  
FRAISE, SOUKUP, and DELUHERY

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act creating new criminal offenses related to the drug 3,4-  
2 methylenedioxyamphetamine.

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

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SF 195  
JUDICIARY

1 Section 1. Section 124.401, subsection 1, paragraph a,  
2 subparagraph (2), Code 2001, is amended by adding the  
3 following new subparagraph subdivision:

4 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-  
5 methylenedioxyamphetamine (MDMA), its salts, isomers, or  
6 salts of isomers or analogs of MDMA.

7 Sec. 2. Section 124.401, subsection 1, paragraph b, Code  
8 2001, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (9) More than ten grams but not more  
10 than five kilograms of 3,4-methylenedioxyamphetamine  
11 (MDMA), its salts, isomers, or salts of isomers, or any  
12 compound, mixture or preparation which contains any quantity  
13 of detectable amount of MDMA, its salts, isomers, or salts of  
14 isomers, or analogs of MDMA.

15 Sec. 3. Section 124.401, subsection 1, paragraph c, Code  
16 2001, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-  
18 methylenedioxyamphetamine (MDMA), its salts, isomers, or  
19 salts of isomers, or analogs of MDMA, or any compound, mixture  
20 or preparation which contains any quantity of detectable  
21 amount of MDMA, its salts, isomers, or salts of isomers, or  
22 analogs of MDMA.

23 EXPLANATION

24 This bill creates new criminal offenses related to the drug  
25 3,4-methylenedioxyamphetamine (MDMA), commonly referred to  
26 as "ecstasy".

27 The bill provides that a person who conspires to  
28 manufacture for delivery, delivers or conspires to deliver, or  
29 possesses with the intent to deliver, MDMA, commits what is  
30 commonly referred to as a super class "B" felony, if the  
31 amount of MDMA is greater than 5 kilograms. A person commits  
32 a class "B" felony, if the amount of MDMA is more than 10  
33 grams but not more than 5 kilograms. If the amount of MDMA is  
34 10 grams or less, the person commits a class "C" felony.  
35 Current law under Code section 124.401(1)(c)(8) provides that

1 a person commits a class "C" felony, regardless of the  
2 quantity of MDMA involved in the criminal activity.

3 A super class "B" felony is punishable by confinement for  
4 no more than 50 years and a fine of not more than \$1 million.  
5 A class "B" felony is punishable by confinement for no more  
6 than 25 years. A class "C" felony is punishable by  
7 confinement for no more than 10 years and a fine of at least  
8 \$1,000 but not more than \$10,000.

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**SENATE FILE 195  
FISCAL NOTE**

The estimate for **Senate File 195** 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.

Senate File 195 creates a new criminal offense related to the drug 3,4-methylenedioxymethamphetamine (MDMA).

**ASSUMPTIONS**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. Department of Corrections and Parole Board records reveal that of the drug offenders admitted to prison during the first quarter of calendar 2000, none involved MDMA.
5. The Department of Public Safety will not target MDMA with additional drug enforcement efforts, but instead maintain normal enforcement policies.
6. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
7. The marginal cost per day for State prisons is \$16 per offender.
8. The median cost per case for the State Public Defender to defend Class B felonies is \$3,000, and the median cost per case to defend Class C felonies is \$1,200.
9. Court costs vary by type of offense charged as well as contested versus uncontested cases. Trial costs for a Class B felony case range from approximately \$9,400 to \$15,000. Trial costs for a Class C felony case range from approximately \$2,900 to \$5,000.

**CORRECTIONAL IMPACT**

The number of people who might be convicted under the new criminal offense related to MDMA is unknown. During FY 2000, no one was convicted of this

offense in Iowa.

FISCAL IMPACT

Due to insufficient information, an accurate fiscal impact cannot be determined. However, the following cost estimates would apply for each person convicted under the following offenses:

Super Class B Felony	\$75,000 to \$81,000
Class B Felony	\$39,000 to \$45,000
Class C Felony	\$24,000 to \$25,000

SOURCES

Department of Corrections  
Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Department of Public Safety  
Judicial Branch

(LSB 1652XS, JDD)

FILED MARCH 13, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR