

# Senate Study Bill 1027

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR'S  
OFFICE OF DRUG CONTROL  
POLICY BILL)

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

## A BILL FOR

1 An Act relating to the manufacturing of a controlled substance or  
2 counterfeit substance near property frequented by children,  
3 and providing for a penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1122DP 81  
6 jm/pj/5

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1 1 Section 1. Section 124.401A, Code 2005, is amended to read  
1 2 as follows:  
1 3 124.401A ENHANCED PENALTY FOR MANUFACTURE OR DISTRIBUTION  
1 4 TO PERSONS ON CERTAIN REAL PROPERTY.

1 5 In addition to any other penalties provided in this  
1 6 chapter, a person who is eighteen years of age or older who  
1 7 unlawfully manufactures with intent to distribute,  
~~1 8 distributes, or possesses with intent to distribute does any~~  
1 9 of the following may be sentenced up to an additional term of  
1 10 confinement of five years:

1 11 1. Manufactures a substance or counterfeit substance  
1 12 listed in schedule I, II, or III, or a simulated controlled  
1 13 substance represented to be a controlled substance classified  
1 14 in schedule I, II, or III, ~~to another person who is eighteen~~  
~~1 15 years of age or older in or on, or within one thousand feet of~~  
1 16 the real property comprising a public or private elementary or  
1 17 secondary school, public park, public swimming pool, public  
1 18 recreation center, or on a marked school bus, ~~may be sentenced~~  
~~1 19 up to an additional term of confinement of five years.~~

1 20 2. ~~Distributes, or possesses with intent to distribute, a~~  
1 21 ~~substance or counterfeit substance listed in schedule I, II,~~  
1 22 ~~or III, or a simulated controlled substance represented to be~~  
1 23 ~~a controlled substance classified in schedule I, II, or III,~~  
1 24 ~~to another person who is eighteen years of age or older in,~~  
1 25 ~~on, or within one thousand feet of the real property~~  
1 26 ~~comprising a public or private elementary or secondary school,~~  
1 27 ~~public park, public swimming pool, public recreation center,~~  
1 28 ~~or on a marked school bus.~~

1 29 EXPLANATION

1 30 A person, under this bill, who manufactures a controlled  
1 31 substance or counterfeit substance within 1,000 feet of a  
1 32 public or private school, public park, public swimming pool,  
1 33 public recreation area, or on a marked school bus, may be  
1 34 sentenced up to an additional term of confinement of five  
1 35 years.

2 1 Current law provides that a person who manufactures a  
2 2 controlled substance or counterfeit substance with the intent  
2 3 to distribute the substance becomes eligible for the  
2 4 additional term of confinement of five years if the  
2 5 manufacturing of the substance is within 1,000 feet of a  
2 6 public or private school, public park, public swimming pool,  
2 7 public recreation area, or on a marked school bus.

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