

Senate File 2288 - Introduced

SENATE FILE _____
BY WARNSTADT

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

A BILL FOR

1 An Act modifying penalties for criminal offenses related to
2 opiates and opium derivatives.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6372XS 82
5 jm/nh/8

PAG LIN

1 1 Section 1. Section 124.413, Code 2007, is amended to read
1 2 as follows:
1 3 124.413 MANDATORY MINIMUM SENTENCE.
1 4 1. ~~Except as provided in subsection 2, a person~~
1 5 sentenced pursuant to section 124.401, subsection 1, paragraph
1 6 "a", "b", "c", "e", or "f", shall not be eligible for parole
1 7 until the person has served a minimum period of confinement of
1 8 one-third of the maximum indeterminate sentence prescribed by
1 9 law.

1 10 2. A person sentenced pursuant to section 124.401,
1 11 subsection 1, paragraph "c", for a violation involving a
1 12 controlled substance that is an opiate or opium derivative as
1 13 listed in section 124.204, subsection 2 or 3, the person shall
1 14 not be eligible for parole until the person has served a
1 15 minimum period of confinement of two-thirds of the maximum
1 16 indeterminate sentence prescribed by law.

1 17 3. This section shall not apply if:
1 18 ~~1. a.~~ The offense is found to be an accommodation pursuant
1 19 to section 124.410 ~~or,~~
1 20 ~~2. b.~~ The controlled substance is marijuana.

1 21 EXPLANATION
1 22 This bill modifies penalties for criminal offenses related
1 23 to opiates and opium derivatives.
1 24 The bill increases the mandatory minimum sentence for a
1 25 person convicted of unlawful manufacture, delivery, or
1 26 possession with the intent to manufacture or deliver, or
1 27 conspiring to manufacture, deliver, or possess with the intent
1 28 to manufacture or deliver, an opiate or opium derivative
1 29 substance. Under the bill, a person sentenced for an opiate
1 30 or opium derivative related offense, shall not be eligible for
1 31 parole until the person has served a minimum period of
1 32 confinement of two-thirds of the maximum indeterminate
1 33 sentence prescribed by law.

1 34 Current law provides that the person shall serve a minimum
1 35 period of confinement of one-third of the maximum
2 1 indeterminate sentence.

2 2 Under current law, a person who commits a violation of an
2 3 offense applicable under the bill commits a class "C" felony
2 4 as provided in Code section 124.401(1)(c). In addition, under
2 5 current law pursuant to Code section 901.10, a judge may
2 6 sentence the person, for a first violation, to a term less
2 7 than the maximum period of confinement if mitigating
2 8 circumstances exist.

2 9 A class "C" felony is punishable by confinement for no more
2 10 than 10 years and a fine of at least \$1,000 but not more than
2 11 \$10,000.

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