

# House Study Bill 99

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL BY  
CHAIRPERSON SWAIM)

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

## A BILL FOR

1 An Act relating to the penalties for the unlawful manufacture,  
2 delivery, or possession with intent to deliver of marijuana or  
3 related substances and the solicitation of such offenses.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1044YC 83  
6 jm/rj/14

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1 1 Section 1. Section 124.410, Code 2009, is amended to read  
1 2 as follows:  
1 3 124.410 ACCOMMODATION OFFENSE.  
1 4 In a prosecution for unlawful delivery or possession with  
1 5 intent to deliver marijuana, if the prosecution proves that  
1 6 the defendant violated the provisions of section 124.401,  
1 7 subsection 1, by proving that the defendant delivered or  
1 8 possessed with intent to deliver ~~one-half~~ one ounce or less of  
1 9 marijuana which was not offered for sale, the defendant is  
1 10 guilty of an accommodation offense and rather than being  
1 11 sentenced as if convicted for a violation of section 124.401,  
1 12 subsection 1, paragraph "d", shall be sentenced as if  
1 13 convicted of a violation of section 124.401, subsection 5. An  
1 14 accommodation offense may be proved as an included offense  
1 15 under a charge of delivering or possessing with the intent to  
1 16 deliver marijuana in violation of section 124.401, subsection  
1 17 1. This section does not apply to hashish, hashish oil, or  
1 18 other derivatives of marijuana as defined in section 124.101,  
1 19 subsection 19.  
1 20 Sec. 2. Section 705.1, Code 2009, is amended to read as  
1 21 follows:  
1 22 705.1 SOLICITATION.  
1 23 ~~1. Any~~ A person who commands, entreats, or otherwise  
1 24 attempts to persuade another to commit a particular felony or  
1 25 aggravated misdemeanor, with the intent that such act be done  
1 26 and under circumstances which corroborates that intent by  
1 27 clear and convincing evidence, solicits such other to commit  
1 28 that felony or aggravated misdemeanor. ~~One~~ Except as provided  
1 29 in subsection 2, a person who solicits another to commit a  
1 30 felony of any class commits a class "D" felony. One A person  
1 31 who solicits another to commit an aggravated misdemeanor  
1 32 commits an aggravated misdemeanor.  
1 33 2. A person who solicits another to commit a felony in  
1 34 violation of section 124.401, subsection 1, paragraph "d",  
1 35 involving one ounce or less of marijuana, commits a serious  
2 1 misdemeanor.

## EXPLANATION

2 2 This bill relates to the unlawful manufacture, delivery, or  
2 3 possession with intent to deliver of marijuana or substances  
2 4 or counterfeit substances related to marijuana and the  
2 5 solicitation of such offenses.  
2 6 The amendment to Code section 124.410 provides that a  
2 7 person who violates the provisions of Code section  
2 8 124.401(1)(d) involving delivery or possession with intent to  
2 9 deliver of one ounce or less of marijuana which was not  
2 10 offered for sale, commits a serious misdemeanor as if  
2 11 convicted under Code section 124.401(5). Current law provides  
2 12 that a person convicted of a violation of Code section  
2 13 124.401(1)(d) involving delivery or possession with intent to  
2 14 deliver of one-half ounce or less of marijuana which was not  
2 15 offered for sale, commits a serious misdemeanor as if  
2 16 convicted under Code section 124.401(5).  
2 17

2 18 The amendment to Code section 705.1 provides that in a  
2 19 prosecution for solicitation of a felony in violation of Code  
2 20 section 124.401(1)(d), involving one ounce or less of  
2 21 marijuana, and the prosecution proves that the defendant  
2 22 solicited a violation of Code section 124.401(1)(d), the  
2 23 defendant is guilty of a serious misdemeanor. Current law  
2 24 provides that the defendant is guilty of a class "D" felony.  
2 25 A serious misdemeanor is punishable by confinement for no  
2 26 more than one year and a fine of at least \$315 but not more  
2 27 than \$1,875. A class "D" felony is punishable by confinement  
2 28 for no more than five years and a fine of at least \$750 but  
2 29 not more than \$7,500.  
2 30 LSB 1044YC 83  
2 31 jm/rj/14