

Senate Study Bill 1063

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 unlawful manufacture, delivery, or
2 possession with the intent to deliver cocaine or substances or
3 counterfeit substances related to cocaine, and making
4 penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 1222DP 83
7 jm/rj/5

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1 1 Section 1. Section 124.401, subsection 1, paragraph a,
1 2 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 3 amended to read as follows:
1 4 More than ~~five hundred~~ fifty grams of a mixture or
1 5 substance containing a detectable amount of any of the
1 6 following:
1 7 Sec. 2. Section 124.401, subsection 1, paragraph a,
1 8 subparagraph (2), Code 2009, is amended by adding the
1 9 following new subparagraph division:
1 10 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
1 11 referred to in subparagraph divisions (a) through (d) which
1 12 contains cocaine base.
1 13 Sec. 3. Section 124.401, subsection 1, paragraph a,
1 14 subparagraph (3), Code 2009, is amended by striking the
1 15 subparagraph.
1 16 Sec. 4. Section 124.401, subsection 1, paragraph b,
1 17 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 18 amended to read as follows:
1 19 More than ~~one hundred ten~~ ten grams but not more than ~~five~~
1 20 ~~hundred fifty~~ grams of any of the following:
1 21 Sec. 5. Section 124.401, subsection 1, paragraph b,
1 22 subparagraph (2), Code 2009, is amended by adding the
1 23 following new subparagraph division:
1 24 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
1 25 referred to in subparagraph divisions (a) through (d) which
1 26 contains cocaine base.
1 27 Sec. 6. Section 124.401, subsection 1, paragraph b,
1 28 subparagraph (3), Code 2009, is amended by striking the
1 29 subparagraph.
1 30 Sec. 7. Section 124.401, subsection 1, paragraph c,
1 31 subparagraph (2), unnumbered paragraph 1, Code 2009, is
1 32 amended to read as follows:
1 33 ~~One hundred ten~~ Ten grams or less of any of the following:
1 34 Sec. 8. Section 124.401, subsection 1, paragraph c,
1 35 subparagraph (2), Code 2009, is amended by adding the
2 1 following new subparagraph division:
2 2 NEW SUBPARAGRAPH DIVISION. (e) Any mixture or substance
2 3 referred to in subparagraph divisions (a) through (d) which
2 4 contains cocaine base.
2 5 Sec. 9. Section 124.401, subsection 1, paragraph c,
2 6 subparagraph (3), Code 2009, is amended by striking the
2 7 subparagraph.

EXPLANATION

2 8
2 9 This bill relates to the unlawful manufacture, delivery, or
2 10 possession with the intent to manufacture or deliver cocaine
2 11 or substances or counterfeit substances related to cocaine.
2 12 The bill makes uniform criminal penalties for offenses related
2 13 to cocaine substances and cocaine base or "crack cocaine".
2 14 The bill provides that a person who unlawfully
2 15 manufactures, delivers, or possesses with intent to
2 16 manufacture or deliver more than 50 grams of a controlled

2 17 substance related to cocaine, commits a class "B" felony,
2 18 punishable by confinement for no more than 50 years, and a
2 19 fine of not more than \$1 million. Under existing law, a
2 20 person who delivers more than 500 grams of cocaine-related
2 21 substances other than cocaine base may be charged with a class
2 22 "B" felony punishable by confinement for no more than 50 years
2 23 and a fine of not more than \$1 million.
2 24 The bill provides that a person who unlawfully
2 25 manufactures, delivers, or possesses with intent to
2 26 manufacture or deliver more than 10 grams but not more than 50
2 27 grams of a controlled substance related to cocaine, commits a
2 28 class "B" felony, punishable by confinement for no more than
2 29 25 years, and a fine of not less than \$5,000 but not more than
2 30 \$100,000. Under existing law, a person who delivers more than
2 31 100 grams but not more than 500 grams of cocaine-related
2 32 substances other than cocaine base may be charged with a class
2 33 "B" felony punishable by confinement for no more than 25 years
2 34 and a fine from \$5,000 to \$100,000.
2 35 The bill provides that a person who unlawfully
3 1 manufactures, delivers, or possesses with intent to
3 2 manufacture or deliver 10 grams or less of a controlled
3 3 substance related to cocaine, commits a class "C" felony,
3 4 punishable by confinement for no more than 10 years, and a
3 5 fine of not less than \$1,000 but no more than \$50,000. Under
3 6 existing law, a person who delivers more than 100 grams or
3 7 less of cocaine-related substances other than cocaine base may
3 8 be charged with a class "C" felony and a fine from \$1,000 to
3 9 \$50,000.
3 10 LSB 1222DP 83
3 11 jm/rj/5