

Senate Study Bill 1140

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, 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 1044XC 83
6 jm/rj/14

PAG LIN

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 1044XC 83
2 31 jm/rj/14