

Senate Study Bill 3011 - Introduced

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

A BILL FOR

1 An Act relating to penalties for the manufacture, delivery, or
2 possession with the intent to manufacture or deliver heroin.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (1), Code 2022, is amended to read as follows:

3 (1) More than one ~~kilogram~~ hundred grams of a mixture or
4 substance containing a detectable amount of heroin.

5 Sec. 2. Section 124.401, subsection 1, paragraph b,
6 subparagraph (1), Code 2022, is amended to read as follows:

7 (1) More than ~~one hundred~~ five grams but not more than one
8 ~~kilogram~~ hundred grams of a mixture or substance containing a
9 detectable amount of heroin.

10 Sec. 3. Section 124.401, subsection 1, paragraph c,
11 subparagraph (1), Code 2022, is amended to read as follows:

12 (1) ~~One hundred~~ Five grams or less of a mixture or substance
13 containing a detectable amount of heroin.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill increases the penalties associated with the
18 manufacture, delivery, or possession with the intent to
19 manufacture or deliver heroin.

20 The bill provides that the manufacture, delivery, or
21 possession with the intent to manufacture or deliver more than
22 100 grams of a mixture or substance containing a detectable
23 amount of heroin is a class "B" felony and, notwithstanding
24 Code section 902.9(1) (a class "B" felon shall be confined for
25 no more than 25 years) is punishable by confinement for no more
26 than 50 years and a fine of not more than \$1 million; more than
27 5 grams but not more than 100 grams of a mixture or substance
28 containing a detectable amount of heroin is a class "B" felony
29 and is punishable by confinement for no more than 25 years and
30 a fine of not less than \$5,000 nor more than \$100,000; and 5
31 grams or less of a mixture or substance containing a detectable
32 amount of heroin is a class "C" felony and is punishable by
33 confinement for no more than 10 years and a fine of not less
34 than \$1,370 nor more than \$50,000.

35 Under Code section 124.413 (mandatory minimum sentence

1 — parole eligibility), a person sentenced pursuant to Code
2 section 124.401(1)(a) or (b) shall not be eligible for parole
3 or work release until the person has served a minimum term of
4 confinement of one-third of the maximum indeterminate sentence
5 prescribed by law. However, a person serving a sentence
6 pursuant to Code section 124.401(1)(b) shall be denied parole
7 or work release, based upon all the pertinent information as
8 determined by the court under Code section 901.11(1) (parole
9 and work release eligibility) until the person has served
10 between one-half of the minimum term of confinement and the
11 maximum indeterminate sentence prescribed by law.

12 Under Code section 811.1 (bail and bail restrictions), a
13 person awaiting judgment of conviction and sentencing following
14 a plea or verdict of guilty for a violation of Code section
15 124.401(1)(a) or (b) shall not be admitted to bail.