

House Study Bill 199 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON THOMPSON)

A BILL FOR

1 An Act relating to penalties for the manufacture, delivery,
2 or possession of certain amounts of controlled substances
3 involving cocaine or cocaine base.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (2), subparagraph division (b), Code 2023, is
3 amended to read as follows:

4 (b) Cocaine, its salts, optical and geometric isomers, or
5 salts of isomers, or cocaine base.

6 Sec. 2. Section 124.401, subsection 1, paragraph a,
7 subparagraph (3), Code 2023, is amended by striking the
8 subparagraph.

9 Sec. 3. Section 124.401, subsection 1, paragraph b,
10 subparagraph (2), subparagraph division (b), Code 2023, is
11 amended to read as follows:

12 (b) Cocaine, its salts, optical and geometric isomers, or
13 salts of isomers, or cocaine base.

14 Sec. 4. Section 124.401, subsection 1, paragraph b,
15 subparagraph (3), Code 2023, is amended by striking the
16 subparagraph.

17 Sec. 5. Section 124.401, subsection 1, paragraph c,
18 subparagraph (2), subparagraph division (b), Code 2023, is
19 amended to read as follows:

20 (b) Cocaine, its salts, optical and geometric isomers, or
21 salts of isomers, or cocaine base.

22 Sec. 6. Section 124.401, subsection 1, paragraph c,
23 subparagraph (3), Code 2023, is amended by striking the
24 subparagraph.

25 Sec. 7. Section 232.22, subsection 1, paragraph e, Code
26 2023, is amended to read as follows:

27 e. There is probable cause to believe that the child has
28 committed a delinquent act involving possession with intent to
29 deliver any of the following controlled substances:

30 ~~(1) A mixture or substance containing cocaine base, also~~
31 ~~known as crack cocaine, and if the act was committed by an~~
32 ~~adult, it would be a violation of section 124.401, subsection~~
33 ~~1, paragraph "a", subparagraph (3), paragraph "b", subparagraph~~
34 ~~(3), or paragraph "c", subparagraph (3).~~

35 (2) (1) A mixture or substance containing cocaine, its

1 salts, optical and geometric isomers, ~~and~~ or salts of isomers,
2 or cocaine base, and if the act was committed by an adult,
3 it would be a violation of [section 124.401, subsection 1](#),
4 paragraph "a", subparagraph (2), subparagraph division (b),
5 paragraph "b", subparagraph (2), subparagraph division (b), or
6 paragraph "c", subparagraph (2), subparagraph division (b).

7 ~~(3)~~ (2) A mixture or substance containing methamphetamine,
8 its salts, isomers, or salts of isomers, or analogs of
9 methamphetamine, and if the act was committed by an adult, it
10 would be a violation of [section 124.401, subsection 1](#).

11

EXPLANATION

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

14 This bill relates to penalties for the manufacture,
15 delivery, or possession of certain amounts of controlled
16 substances involving cocaine or cocaine base.

17 Current law provides identical penalties for the
18 manufacture, delivery, or possession of different amounts of
19 cocaine, its salts, optical and geometric isomers, or salts of
20 isomers, and certain mixtures of substances containing cocaine
21 base. Current law provides that a violation involving more
22 than 500 grams of cocaine or more than 200 grams of certain
23 mixtures or substances containing cocaine base is a class "B"
24 felony.

25 The bill makes changes to the amount of cocaine base
26 necessary to be present in certain mixtures or substances for
27 a particular charge so that it corresponds to the amount of
28 cocaine, its salts, optical and geometric isomers, or salts of
29 isomers required for the same charge.

30 The bill provides that a violation involving more than 500
31 grams of cocaine, its salts, optical and geometric isomers,
32 or salts of isomers, or cocaine base is a class "B" felony
33 punishable by confinement for no more than 50 years and a fine
34 of not more than \$1 million. A violation involving more than
35 100 grams, but not more than 500 grams of cocaine, its salts,

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1 optical and geometric isomers, or salts of isomers, or cocaine
2 base is a class "B" felony punishable by confinement for no
3 more than 25 years and a fine of not less than \$5,000 nor more
4 than \$100,000. A violation involving less than 100 grams of
5 cocaine, its salts, optical and geometric isomers, or salts of
6 isomers, or cocaine base is a class "C" felony punishable by
7 confinement for no more than 10 years and a fine of not less
8 than \$1,000 nor more than \$50,000.