

**House File 126 - Introduced**

HOUSE FILE 126  
BY LOHSE

**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:

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1 Section 1. Section 124.401, subsection 1, paragraph a,  
2 subparagraph (2), subparagraph division (b), Code 2025, 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 2025, is amended by striking the  
8 subparagraph.

9 Sec. 3. Section 124.401, subsection 1, paragraph b,  
10 subparagraph (2), subparagraph division (b), Code 2025, 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 2025, is amended by striking the  
16 subparagraph.

17 Sec. 5. Section 124.401, subsection 1, paragraph c,  
18 subparagraph (2), subparagraph division (b), Code 2025, 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 2025, is amended by striking the  
24 subparagraph.

25 Sec. 7. Section 232.22, subsection 1, paragraph e, Code 2025,  
26 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 1,~~  
33 ~~paragraph "a", subparagraph (3), paragraph "b", subparagraph (3),~~  
34 ~~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, it  
3 would be a violation of section 124.401, subsection 1, paragraph  
4 "a", subparagraph (2), subparagraph division (b), paragraph "b",  
5 subparagraph (2), subparagraph division (b), or paragraph "c",  
6 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, delivery,  
15 or possession of certain amounts of controlled substances  
16 involving cocaine or cocaine base.

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

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

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

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

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