

FEB 24 2005
PUBLIC SAFETY

HOUSE FILE 436
BY BAUDLER, McCARTHY, and
J.R. VAN FOSSEN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the manufacturing of a controlled substance or
2 counterfeit substance near property frequented by children,
3 and providing for a penalty.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

HF 436

1 Section 1. Section 124.401A, Code 2005, is amended to read
2 as follows:

3 124.401A ENHANCED PENALTY FOR MANUFACTURE OR DISTRIBUTION
4 TO PERSONS ON CERTAIN REAL PROPERTY.

5 1. In Except as otherwise provided in subsection 2, and in
6 addition to any other penalties provided in this chapter, a
7 person who is eighteen years of age or older who unlawfully
8 manufactures with intent to distribute, distributes, or
9 possesses with intent to distribute a substance or counterfeit
10 substance listed in schedule I, II, or III, or a simulated
11 controlled substance represented to be a controlled substance
12 classified in schedule I, II, or III, to another person who is
13 eighteen years of age or older in or on, or within one
14 thousand feet of the real property comprising a public or
15 private elementary or secondary school, public park, public
16 swimming pool, public recreation center, or on a marked school
17 bus, may be sentenced up to an additional term of confinement
18 of five years.

19 2. A person who is eighteen years of age or older who
20 unlawfully manufactures methamphetamine, its salts, isomers,
21 or salts of its isomers within one thousand feet of the real
22 property comprising a public or private elementary or
23 secondary school, public park, public swimming pool, public
24 recreation center, or on a marked school bus, may be sentenced
25 up to an additional term of confinement of five years in
26 addition to any other penalty in this chapter.

27

EXPLANATION

28 A person, under this bill, who manufactures methamphetamine
29 within 1,000 feet of a public or private school, public park,
30 public swimming pool, public recreation area, or on a marked
31 school bus, may be sentenced up to an additional term of
32 confinement of five years.

33 Current law provides that a person who manufactures
34 methamphetamine or any other controlled substance or
35 counterfeit substance with the intent to distribute the

1 substance becomes eligible for the additional term of
2 confinement of five years if the manufacturing of the
3 substance is within 1,000 feet of a public or private school,
4 public park, public swimming pool, public recreation area, or
5 on a marked school bus.

- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35