

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	SB 421
Version:	ENGR
Request Number:	
Author:	Rep. Mize
Date:	4/10/2019
Impact:	Reduces several felony incarceration maximums, increases some felony incarceration maximums and creates sentence enhancements

Research Analysis

SB 421 creates new penalties associated with the transportation and manufacture of controlled dangerous substances and synthetic controlled substances. Except when authorized by the Food and Drug Administration, no person may transport with intent to distribute or dispense, possess with intent to distribute, or possess with intent to manufacture, a controlled dangerous substance, a synthetic controlled substance, or a counterfeit controlled substance. The measure outlines seven factors that will determine whether a person had intent to distribute, of which at least three must be met.

The measure modifies felonies related to possession of a controlled substance to specify certain minimum amounts. The terms of imprisonment for various felonies are reduced. The measure also requires the second conviction of certain offenses to occur within ten years following completion of the prior sentence if the maximum sentence is to be increased. SB 421 decreases the distance from 2000 feet to 500 feet from a school, public park, public vocational school, or child care facility during hours of normal operation as it relates to enhanced sentencing for those convicted of possessing with the intent to distribute a controlled substance. Hours of normal operation include all extracurricular activities sanctioned or authorized by the public or private elementary or secondary school or public vocational school.

The measure modifies penalties associated with manufacturing a controlled substance other than marijuana. A person convicted of manufacturing a controlled substance will face a term of imprisonment not to exceed ten years and a fine of up to \$25,000.00. Current law allows a person to be imprisoned for up to seven years and a maximum fine of \$50,000.00. The measure adds an enhanced sentence for a person convicted of a second and third offense within ten years of the completion of the prior sentence. The term for such convictions is a maximum of fifteen years for the second offense and twenty years for the third offense.

The measure adds tiered penalties for the unlawful manufacture of marijuana which vary according to the amounts produced. The measure modifies the sentence for aggravated manufacturing of a controlled substance to a term of imprisonment not more than thirty years. Current law stipulates that the sentence should be not less than twenty years. Additionally, the measure allows a person convicted of aggravated manufacturing to serve 65% of the sentence before becoming eligible for parole instead of the current 85% requirement.

Prepared By: Brad Wolgamott

Fiscal Analysis

SB 421 reduces and increases several felony incarceration maximums and creates several sentence enhancements. This could increase or decrease costs for the Dept. of Corrections (DOC). The overall impact is contingent upon how many individuals are found guilty of the crimes and the length of their sentence compared to current law. It costs DOC an average of \$58.70/day or \$21,425.50/year to incarcerate one individual.

Prepared By: Kristina King

Other Considerations

None.

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