

Bill Summary
1st Session of the 57th Legislature

Bill No.:	SB 421
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Author:	Sen. Bice
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Bill 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 an imitation 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 shortened. The measure also requires the second conviction of certain offences to occur within ten years if the maximum sentence is to be increased.

SB 421 decreases the distance from 2000 feet to 500 feet from a private elementary or secondary school, recreation center or 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.

The measure modifies penalties associated with manufacturing a controlled substance other than marijuana. A person convicted of manufacturing such 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 prior conviction. 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 scaling 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.

Prepared by: Kalen Taylor

Fiscal Analysis

FY'20 Impact: See comments

Full Year Impact: See comments

SB421 provides certain guidelines for which a person can be charged with possession with intent to distribute (PWID), which is a felony. Inmates received to DOC convicted of PWID were 1,432 (FY15), 1,430 (FY16), 1,354 (FY17), 1,570 (FY18) and 758 (1st 6 mo. of FY19 – annualized = 1,516). Establishing guidelines for PWID where they did not previously exist will likely result in more consistent charging for the offense and they may return to previous levels.

Prepared by: Department of Corrections