

Eichhorn, Ch.
Larson
Tremmel

HSB 136

JUDICIARY

§ 100-70

SENATE/HOUSE FILE

BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act creating new criminal offenses related to the drug 3,4-
2 methylenedioxyamphetamine.

3 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), Code 2001, is amended by adding the
3 following new subparagraph subdivision:

4 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-
5 methylenedioxyamphetamine (MDMA), its salts, isomers, or
6 salts of isomers or analogs of MDMA.

7 Sec. 2. Section 124.401, subsection 1, paragraph b, Code
8 2001, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (9) More than ten grams but not more
10 than five kilograms of 3,4-methylenedioxyamphetamine
11 (MDMA), its salts, isomers, or salts of isomers, or any
12 compound, mixture or preparation which contains any quantity
13 of detectable amount of MDMA, its salts, isomers, or salts of
14 isomers, or analogs of MDMA.

15 Sec. 3. Section 124.401, subsection 1, paragraph c, Code
16 2001, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-
18 methylenedioxyamphetamine (MDMA), its salts, isomers, or
19 salts of isomers, or analogs of MDMA, or any compound, mixture
20 or preparation which contains any quantity of detectable
21 amount of MDMA, its salts, isomers, or salts of isomers, or
22 analogs of MDMA.

23 EXPLANATION

24 This bill creates new criminal offenses related to the drug
25 3,4-methylenedioxyamphetamine (MDMA), commonly referred to
26 as "ecstasy".

27 The bill provides that a person who conspires to
28 manufacture for delivery, delivers or conspires to deliver, or
29 possesses with the intent to deliver, MDMA, commits what is
30 commonly referred to as a super class "B" felony, if the
31 amount of MDMA is greater than 5 kilograms. A person commits
32 a class "B" felony, if the amount of MDMA is more than 10
33 grams but not more than 5 kilograms. If the amount of MDMA is
34 10 grams or less, the person commits a class "C" felony.
35 Current law under Code section 124.401(1)(c)(8) provides that

1 a person commits a class "C" felony, regardless of the
2 quantity of MDMA involved in the criminal activity.

3 A super class "B" felony is punishable by confinement for
4 no more than 50 years and a fine of not more than \$1 million.
5 A class "B" felony is punishable by confinement for no more
6 than 25 years. A class "C" felony is punishable by
7 confinement for no more than 10 years and a fine of at least
8 \$1,000 but not more than \$10,000.

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5-37/01 Judiciary

FEB 22 2001

HOUSE FILE **370**

Place On Calendar

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 136)

Passed House, ⁽⁶³⁸⁾ Date 3-7-01 Passed Senate, Date _____
 Vote: Ayes 96 Nays 1 Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act creating new criminal offenses related to the drug 3,4-
 2 methylenedioxymethamphetamine.
 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 370

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1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (2), Code 2001, is amended by adding the
3 following new subparagraph subdivision:

4 NEW SUBPARAGRAPH SUBDIVISION. (g) 3,4-
5 methylenedioxymethamphetamine (MDMA), its salts, isomers, or
6 salts of isomers.

7 Sec. 2. Section 124.401, subsection 1, paragraph b, Code
8 2001, is amended by adding the following new subparagraph:

9 NEW SUBPARAGRAPH. (9) More than ten grams but not more
10 than five kilograms of 3,4-methylenedioxymethamphetamine
11 (MDMA), its salts, isomers, or salts of isomers, or any
12 compound, mixture or preparation which contains any quantity
13 of detectable amount of MDMA, its salts, isomers, or salts of
14 isomers.

15 Sec. 3. Section 124.401, subsection 1, paragraph c, Code
16 2001, is amended by adding the following new subparagraph:

17 NEW SUBPARAGRAPH. (7A) Ten grams or less of 3,4-
18 methylenedioxymethamphetamine (MDMA), its salts, isomers, or
19 salts of isomers, or any compound, mixture or preparation
20 which contains any quantity of detectable amount of MDMA, its
21 salts, isomers, or salts of isomers.

22 EXPLANATION

23 This bill creates new criminal offenses related to the drug
24 3,4-methylenedioxymethamphetamine (MDMA), commonly referred to
25 as "ecstasy".

26 The bill provides that a person who conspires to
27 manufacture for delivery, delivers or conspires to deliver, or
28 possesses with the intent to deliver MDMA, commits what is
29 commonly referred to as a super class "B" felony, if the
30 amount of MDMA is greater than 5 kilograms. A person commits
31 a class "B" felony, if the amount of MDMA is more than 10
32 grams but not more than 5 kilograms. If the amount of MDMA is
33 10 grams or less, the person commits a class "C" felony.
34 Current law under Code section 124.401(1)(c)(8) provides that
35 a person commits a class "C" felony, regardless of the

1 quantity of MDMA involved in the criminal activity.

2 A super class "B" felony is punishable by confinement for
3 no more than 50 years and a fine of not more than \$1 million.

4 A class "B" felony is punishable by confinement for no more
5 than 25 years. A class "C" felony is punishable by
6 confinement for no more than 10 years and a fine of at least
7 \$1,000 but not more than \$10,000.

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HOUSE FILE 370

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H-1144

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1 Amend House File 370 as follows:

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2 1. Page 1, line 6, by inserting after the word
3 "isomers" the following: "or analogs of MDMA".

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4 2. Page 1, line 11, by inserting after the words
5 "of isomers" the following: "or analogs of MDMA,".

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6 3. Page 1, line 14, by inserting after the word
7 "isomers" the following: "or analogs of MDMA".

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8 4. Page 1, line 19, by inserting after the word
9 "isomers" the following: "or analogs of MDMA".

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10 5. Page 1, line 21, by inserting after the words
11 "of isomers" the following: "or analogs of MDMA".

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By CONNORS of Polk

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H-1144 FILED MARCH 1, 2001

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w/d 3/7/01 (p. 638)

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HOUSE FILE 370
FISCAL NOTE

The estimate for **House File 370** is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 370 creates a new criminal offense related to the drug 3,4-methylenedioxymethamphetamine (MDMA).

ASSUMPTIONS

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections' practices and policies will not change over the projection period.
3. The law will become effective July 1, 2001. A lag effect of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. Department of Corrections and Parole Board records reveal that of the drug offenders admitted to prison during the first quarter of calendar 2000, none involved MDMA.
5. The Department of Public Safety will not target MDMA with additional drug enforcement efforts, but instead maintain normal enforcement policies.
6. The analysis is based on information obtained from the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2000 data.
7. The marginal cost per day for State prisons is \$16 per offender.
8. The median cost per case for the State Public Defender to defend Class B felonies is \$3,000. The median cost per case to defend Class C felonies is \$1,200.
9. Court costs vary by type of offense charged as well as contested versus uncontested cases. Trial costs for a Class B felony case range from approximately \$9,400 to \$15,000. Trial costs for a Class C felony case range from approximately \$2,900 to \$5,000.

CORRECTIONAL IMPACT

It is anticipated that House File 370 will have no significant correctional

PAGE 2 , FISCAL NOTE, HOUSE FILE 370

-2-

impact.

FISCAL IMPACT

It is anticipated that House File 370 will have no significant fiscal impact.

SOURCES

Department of Corrections
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Public Safety
Judicial Branch

(LSB 1652HV, JDD)

FILED FEBRUARY 27, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR