

MAR 28 2002
JUDICIARY

HOUSE FILE 2606
BY FORD

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

A BILL FOR

1 An Act relating to the unlawful manufacture, delivery, or
2 possession with the intent to manufacture or deliver cocaine
3 or substances or counterfeit substances related to cocaine.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 2606

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1 Section 1. Section 124.401, subsection 1, paragraph a,
2 subparagraph (2), unnumbered paragraph 1, Code 2001, is
3 amended to read as follows:

4 More than five kilograms of a any compound, mixture or,
5 preparation, or substance containing a detectable amount of
6 any of the following:

7 Sec. 2. Section 124.401, subsection 1, paragraph a,
8 subparagraph (2), subparagraph divisions (a), (b), and (c),
9 Code 2001, are amended by striking the subparagraph
10 subdivisions.

11 Sec. 3. Section 124.401, subsection 1, paragraph a,
12 subparagraph (2), subparagraph division (f), Code 2001, is
13 amended to read as follows:

14 (f) Any compound, mixture, or preparation which contains
15 any quantity of any of the substances referred to in
16 ~~subparagraph-subdivisions-(a)-through-(e)~~ this subparagraph
17 (2).

18 Sec. 4. Section 124.401, subsection 1, paragraph a,
19 subparagraph (3), Code 2001, is amended to read as follows:

20 (3) More than fifty grams of a any compound, mixture or,
21 preparation, or substance described-in-subparagraph-(2)-which
22 contains-cocaine-base containing a detectable amount of any of
23 the following:

24 (a) Coca leaves, except coca leaves and extracts of coca
25 leaves from which cocaine, ecgonine, and derivatives of
26 ecgonine or their salts have been removed.

27 (b) Cocaine, its salts, optical and geometric isomers, and
28 salts of isomers.

29 (c) Ecgonine, its derivatives, their salts, isomers, and
30 salts of isomers.

31 (d) Cocaine base.

32 Sec. 5. Section 124.401, subsection 1, paragraph b,
33 subparagraph (2), Code 2001, is amended by striking the
34 subparagraph.

35 Sec. 6. Section 124.401, subsection 1, paragraph b,

1 subparagraph (3), Code 2001, is amended to read as follows:

2 (3) More than five grams but not more than fifty grams of
3 a any compound, mixture, preparation, or substance described
4 in-subparagraph-(2)-which-contains-cocaine-base containing a
5 detectable amount of any of the following:

6 (a) Coca leaves, except coca leaves and extracts of coca
7 leaves from which cocaine, ecgonine, and derivatives of
8 ecgonine or their salts have been removed.

9 (b) Cocaine, its salts, optical and geometric isomers, and
10 salts of isomers.

11 (c) Ecgonine, its derivatives, their salts, isomers, and
12 salts of isomers.

13 (d) Cocaine base.

14 Sec. 7. Section 124.401, subsection 1, paragraph c,
15 subparagraph (2), Code 2001, is amended by striking the
16 subparagraph.

17 Sec. 8. Section 124.401, subsection 1, paragraph c,
18 subparagraph (3), Code 2001, is amended to read as follows:

19 (3) Five grams or less of a any compound, mixture,
20 preparation, or substance described-in-subparagraph-(2)-which
21 contains-cocaine-base containing a detectable amount of any of
22 the following:

23 (a) Coca leaves, except coca leaves and extracts of coca
24 leaves from which cocaine, ecgonine, and derivatives of
25 ecgonine or their salts have been removed.

26 (b) Cocaine, its salts, optical and geometric isomers, and
27 salts of isomers.

28 (c) Ecgonine, its derivatives, their salts, isomers, and
29 salts of isomers.

30 (d) Cocaine base.

31 Sec. 9. Section 232.22, subsection 1, paragraph e,
32 subparagraphs (1) and (2), Code Supplement 2001, are amended
33 to read as follows:

34 (1) A mixture or substance containing cocaine base, also
35 known as crack cocaine, and if the act was committed by an

1 adult, it would be a violation of section 124.401, subsection
2 1, paragraph "a", subparagraph (3), subparagraph subdivision
3 (d), paragraph "b", subparagraph (3), subparagraph subdivision
4 (d), or paragraph "c", subparagraph (3), subparagraph
5 subdivision (d).

6 (2) A mixture or substance containing cocaine, its salts,
7 optical and geometric isomers, and salts of isomers, and if
8 the act was committed by an adult, it would be a violation of
9 section 124.401, subsection 1, paragraph "a", subparagraph ~~(2)~~
10 (3), subparagraph subdivision (b), paragraph "b", subparagraph
11 ~~(2)~~ (3), subparagraph subdivision (b), or paragraph "c",
12 subparagraph ~~(2)~~ (3), subparagraph subdivision (b).

13

EXPLANATION

14 This bill relates to the unlawful manufacture, delivery, or
15 possession with the intent to manufacture or deliver cocaine
16 or substances or counterfeit substances related to cocaine.
17 The bill makes uniform criminal penalties for offenses related
18 to cocaine substances and cocaine base or "crack cocaine".

19 The bill provides that a person who unlawfully
20 manufactures, delivers, or possesses with intent to
21 manufacture or deliver more than 50 grams of a controlled
22 substance related to cocaine, commits a class "B" felony,
23 punishable by confinement for no more than 50 years, and a
24 fine of not more than \$1 million. Under existing law, a
25 person who delivers more than five kilograms of cocaine-
26 related substances other than cocaine base may be charged with
27 a class "B" felony punishable by confinement for no more than
28 50 years.

29 The bill provides that a person who unlawfully
30 manufactures, delivers, or possesses with intent to
31 manufacture or deliver more than five grams but not more than
32 50 grams of a controlled substance related to cocaine, commits
33 a class "B" felony, punishable by confinement for no more than
34 25 years, and a fine of not less than \$5,000 but not more than
35 \$100,000. Under existing law, a person who delivers more than

1 500 grams but not more than five kilograms of cocaine-related
2 substances other than cocaine base may be charged with a class
3 "B" felony punishable by confinement for no more than 25 years
4 and a fine from \$5,000 to \$100,000.

5 The bill provides that a person who unlawfully
6 manufactures, delivers, or possesses with intent to
7 manufacture or deliver five grams or less of a controlled
8 substance related to cocaine, commits a class "C" felony,
9 punishable by confinement for no more than 10 years, and a
10 fine of not less than \$1,000 but no more than \$50,000. Under
11 existing law, a person who delivers more than 500 grams or
12 less of cocaine-related substances other than cocaine base may
13 be charged with a class "C" felony and a fine from \$1,000 to
14 \$50,000.

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