

HOUSE BILL NO. HB0347

Counterfeit drugs-penalties.

Sponsored by: Representative(s) Hinckley

A BILL

for

1 AN ACT relating to counterfeit drugs; providing for
2 forfeiture as specified; and providing for an effective
3 date.

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5 *Be It Enacted by the Legislature of the State of Wyoming:*

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7 **Section 1.** W.S. 35-7-1049(a)(i), (ii), (viii),
8 (e)(vi) and (f) is amended to read:

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10 **35-7-1049. Forfeitures and seizures generally;**
11 **property subject to forfeiture.**

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13 (a) The following are subject to forfeiture:

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15 (i) All controlled substances, including
16 counterfeit drugs, which have been manufactured,

1 distributed, dispensed or acquired in violation of this
2 act;

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4 (ii) All raw materials, products, and equipment
5 of any kind which are used, or intended for use, in
6 manufacturing, compounding, processing, delivering,
7 importing, or exporting any controlled substances,
8 including counterfeit drugs, in violation of this act;

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10 (viii) Any property or other thing of pecuniary
11 value furnished in exchange for a controlled substance,
12 including a counterfeit drug, in violation of this act
13 including any proceeds, assets or other property of any
14 kind traceable to the exchange and any money, securities or
15 other negotiable instruments used to facilitate a violation
16 of this act. Property used or furnished without the consent
17 or knowledge of the owner is not forfeitable under this
18 section to the extent of his interest.

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20 (e) When property is forfeited under this act, the
21 commissioner may:

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23 (vi) Authorize any law enforcement officer to
24 apply to the district court with jurisdiction for an order

1 providing for destruction of the contraband controlled
2 substances, including counterfeit drugs, or paraphernalia
3 if no longer necessary for evidentiary purposes.

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5 (f) Any controlled substance listed in Schedules I
6 through V, including a counterfeit drug, that is possessed,
7 transferred, sold or offered for sale in violation of this
8 act is contraband and shall be seized and summarily
9 forfeited to the state. Any controlled substance listed in
10 Schedules I through V which, including a counterfeit drug,
11 is seized or comes into possession of the state and the
12 owner is unknown, is contraband and shall be summarily
13 forfeited to the state.

14

15 **Section 2.** This act is effective July 1, 2005.

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(END)