

HOUSE BILL NO. HB0249

Controlled substances-mandatory minimum sentences.

Sponsored by: Representative(s) Quarberg, Brechtel,
Mercer, Petersen and White and Senator(s)
Fecht and Jennings

A BILL

for

1 AN ACT relating to controlled substances; providing
2 mandatory minimum sentences for certain offenses involving
3 controlled substances as specified; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 35-7-1031(a)(i), (ii), (b)(i) and
9 (ii) and 35-7-1059(b), (c)(intro), (d)(intro) and (f) are
10 amended to read:

11

12 **35-7-1031. Unlawful manufacture or delivery;**
13 **counterfeit substance; unlawful possession.**

14

15 (a) Except as authorized by this act, it is unlawful
16 for any person to manufacture, deliver, or possess with

1 intent to manufacture or deliver, a controlled substance.

2 Any person who violates this subsection with respect to:

3

4 (i) Methamphetamine or a controlled substance
5 classified in Schedule I or II which is a narcotic drug, is
6 guilty of a crime and upon conviction may be imprisoned for
7 not less than five (5) years nor more than twenty (20)
8 years, or fined not more than twenty-five thousand dollars
9 (\$25,000.00), or both;

10

11 (ii) Any other controlled substance classified
12 in Schedule I, II or III, is guilty of a crime and upon
13 conviction may be imprisoned for not less than three (3)
14 years nor more than ten (10) years, fined not more than ten
15 thousand dollars (\$10,000.00), or both;

16

17 (b) Except as authorized by this act, it is unlawful
18 for any person to create, deliver, or possess with intent
19 to deliver, a counterfeit substance. Any person who
20 violates this subsection with respect to:

21

22 (i) A counterfeit substance classified in
23 Schedule I or II which is a narcotic drug, is guilty of a
24 crime and upon conviction may be imprisoned for not less

1 than five (5) years nor more than twenty (20) years, fined
2 not more than twenty-five thousand dollars (\$25,000.00), or
3 both;

4
5 (ii) Any other counterfeit substance classified
6 in Schedule I, II or III, is guilty of a crime and upon
7 conviction may be imprisoned for not less than three (3)
8 years nor more than ten (10) years, fined not more than ten
9 thousand dollars (\$10,000.00), or both;

10

11 **35-7-1059. Unlawful clandestine laboratory**
12 **operations; methamphetamine precursors; presumptively**
13 **illegal amount; methamphetamine precursor sales**
14 **limitations; registration requirements; reports; penalties.**

15

16 (b) A person who violates subsection (a) of this
17 section is guilty of a felony punishable by imprisonment
18 for not less than five (5) years nor more than twenty (20)
19 years, a fine of not more than twenty-five thousand dollars
20 (\$25,000.00), or both.

21

22 (c) A person who violates subsection (a) of this
23 section is guilty of a felony punishable by imprisonment
24 for not less than six (6) years nor more than twenty-five

1 (25) years, a fine of not more than fifty thousand dollars
2 (\$50,000.00), or both if the judge or jury also finds any
3 one (1) of the following conditions occurred in conjunction
4 with that violation:

5
6 (d) A person who violates subsection (a) of this
7 section is guilty of a felony punishable by imprisonment
8 for not less than ten (10) years nor more than forty (40)
9 years, a fine of not more than one hundred thousand dollars
10 (\$100,000.00), or both if the judge or jury also finds any
11 one (1) of the following conditions occurred in conjunction
12 with that violation:

13
14 (f) A person who knowingly or intentionally violates
15 subsection (e) of this section is guilty of a felony
16 punishable by imprisonment for not less than four (4) years
17 nor more than fifteen (15) years, a fine of twenty-five
18 thousand dollars (\$25,000.00), or both.

19
20 **Section 2.** This act is effective July 1, 2007.

21

22 (END)