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H.465

Introduced by Representatives Gage of Rutland City, Cupoli of Rutland City,
Fagan of Rutland City, Batchelor of Derby, Branagan of
Georgia, Hebert of Vernon, Hubert of Milton, Larocque of
Barnet, Lawrence of Lyndon, Lewis of Berlin, Mitchell of
Fairfax, Morrissey of Bennington, Myers of Essex, Quimby of
Concord, Russell of Rutland City, Shaw of Derby, Strong of
Albany, Terenzini of Rutland Town, and Winters of
Williamstown

Referred to Committee on

Date:

Subject: Health; possession and control of regulated drugs

Statement of purpose of bill as introduced: This bill proposes to impose a
two-year minimum sentence for the distribution, sale, and trafficking of heroin;
depressant, stimulant, and narcotic drugs; and methamphetamine.

An act relating to imposing a two-year minimum sentence for distribution,
sale, and trafficking of heroin; depressant, stimulant, and narcotic drugs;
and methamphetamine

It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 18 V.S.A. § 4233 is amended to read:

2 § 4233. HEROIN

3 * * *

4 (b) Selling or dispensing.

5 (1) A person knowingly and unlawfully dispensing heroin shall be
6 imprisoned not less than two years and not more than three years or fined not
7 more than \$75,000.00, or both. A person knowingly and unlawfully selling
8 heroin shall be imprisoned not less than two years and not more than five years
9 or fined not more than \$100,000.00, or both.

10 (2) A person knowingly and unlawfully selling or dispensing heroin in
11 an amount consisting of 200 milligrams or more of one or more preparations,
12 compounds, mixtures, or substances containing heroin shall be imprisoned not
13 less than two years and not more than 10 years or fined not more than
14 \$250,000.00, or both.

15 (3) A person knowingly and unlawfully selling or dispensing heroin in
16 an amount consisting of one gram or more of one or more preparations,
17 compounds, mixtures, or substances containing heroin shall be imprisoned not
18 less than two years and not more than 20 years or fined not more than
19 \$1,000,000.00, or both.

20 (c) Trafficking. A person knowingly and unlawfully possessing heroin in
21 an amount consisting of 3.5 grams or more of one or more preparations,

1 compounds, mixtures, or substances containing heroin with the intent to sell or
2 dispense the heroin shall be imprisoned not less than two years and not more
3 than 30 years or fined not more than \$1,000,000.00, or both. There shall be a
4 permissive inference that a person who possesses heroin in an amount of 3.5
5 grams or more of one or more preparations, compounds, mixtures, or
6 substances containing heroin intends to sell or dispense the heroin. The
7 amount of possessed heroin under this subsection to sustain a charge of
8 conspiracy under 13 V.S.A. § 1404 shall be no less than 10 grams in the
9 aggregate.

10 Sec. 2. 18 V.S.A. § 4234 is amended to read:

11 § 4234. DEPRESSANT, STIMULANT, AND NARCOTIC DRUGS

12 * * *

13 (b) Selling or dispensing.

14 (1) A person knowingly and unlawfully dispensing a depressant,
15 stimulant, or narcotic drug, other than heroin or cocaine, shall be imprisoned
16 not less than two years and not more than three years or fined not more than
17 \$75,000.00, or both. A person knowingly and unlawfully selling a depressant,
18 stimulant, or narcotic drug, other than cocaine or heroin, shall be imprisoned
19 not less than two years and not more than five years or fined not more than
20 \$25,000.00, or both.

1 (2) A person knowingly and unlawfully selling or dispensing
2 methamphetamine in an amount consisting of 2.5 grams or more of one or
3 more preparations, compounds, mixtures, or substances containing
4 methamphetamine shall be imprisoned not less than two years and not more
5 than 10 years or fined not more than \$250,000.00, or both.

6 (3) A person knowingly and unlawfully selling or dispensing
7 methamphetamine in an amount consisting of 25 grams or more of one or more
8 preparations, compounds, mixtures, or substances containing
9 methamphetamine shall be imprisoned not less than two years and not more
10 than 20 years or fined not more than \$1,000,000.00, or both.

11 (c) Trafficking. A person knowingly and unlawfully possessing
12 methamphetamine in an amount consisting of 300 grams or more of one or
13 more preparations, compounds, mixtures, or substances containing
14 methamphetamine with the intent to sell or dispense the methamphetamine
15 shall be imprisoned not less than two years and not more than 30 years or fined
16 not more than \$1,000,000.00, or both. There shall be a permissive inference
17 that a person who possesses methamphetamine in an amount consisting of 300
18 grams or more of one or more preparations, compounds, mixtures, or
19 substances containing methamphetamine intends to sell or dispense the
20 methamphetamine. The amount of possessed methamphetamine under this

1 subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall be
2 no less than 800 grams in the aggregate.

3 Sec. 4. EFFECTIVE DATE

4 This act shall take effect on July 1, 2013.