

1 H.457

2 Introduced by Representative Tate of Mendon

3 Referred to Committee on

4 Date:

5 Subject: Health; crimes; dispensing and trafficking regulated drugs

6 Statement of purpose of bill as introduced: This bill proposes to increase the
7 penalties for dispensing and trafficking of heroin and methamphetamine.

8 An act relating to increasing the penalties for dispensing and trafficking
9 heroin and methamphetamine

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

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

12 § 4233. HEROIN

13 * * *

14 (b) Selling or dispensing.

15 * * *

16 (3) A person knowingly and unlawfully selling or dispensing heroin in
17 an amount consisting of one gram or more of one or more preparations,
18 compounds, mixtures, or substances containing heroin shall be imprisoned not
19 more than ~~20~~ 30 years or fined not more than \$1,000,000.00, or both.

1 (c) Trafficking. A person knowingly and unlawfully possessing heroin in
2 an amount consisting of 3.5 grams or more of one or more preparations,
3 compounds, mixtures, or substances containing heroin with the intent to sell or
4 dispense the heroin shall be imprisoned not more than ~~30~~ 40 years or fined not
5 more than \$1,000,000.00, or both. There shall be a permissive inference that a
6 person who possesses heroin in an amount of 3.5 grams or more of one or
7 more preparations, compounds, mixtures, or substances containing heroin
8 intends to sell or dispense the heroin. The amount of possessed heroin under
9 this subsection to sustain a charge of conspiracy under 13 V.S.A. § 1404 shall
10 be no less than 10 grams in the aggregate.

11 * * *

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

13 § 4234a. METHAMPHETAMINE

14 * * *

15 (b) Selling and dispensing.

16 * * *

17 (3) A person knowingly and unlawfully selling or dispensing
18 methamphetamine in an amount consisting of 25 grams or more of one or more
19 preparations, compounds, mixtures, or substances containing
20 methamphetamine shall be imprisoned not more than ~~20~~ 30 years or fined not
21 more than \$1,000,000.00, or both.

1 (c) Trafficking. A person knowingly and unlawfully possessing
2 methamphetamine in an amount consisting of 300 grams or more of one or
3 more preparations, compounds, mixtures, or substances containing
4 methamphetamine with the intent to sell or dispense the methamphetamine
5 shall be imprisoned not more than ~~30~~ 40 years or fined not more than
6 \$1,000,000.00, or both. There shall be a permissive inference that a person
7 who possesses methamphetamine in an amount consisting of 300 grams or
8 more of one or more preparations, compounds, mixtures, or substances
9 containing methamphetamine intends to sell or dispense the methamphetamine.
10 The amount of possessed methamphetamine under this subsection to sustain a
11 charge of conspiracy under 13 V.S.A. § 1404 shall be no less than 800 grams
12 in the aggregate.

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.