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**HOUSE BILL NO. 382**

Offered January 12, 2000

*A BILL to amend the Code of Virginia by adding a section numbered 18.2-248.02, relating to penalty for subsequent conviction of manufacturing, selling, giving, distributing or possessing with intent to manufacture a controlled substance or transporting controlled substances into the Commonwealth.*

Patrons—McDonnell, Albo, Black, Blevins, Bolvin, Broman, Bryant, Byron, Cantor, Cox, Davis, Devolites, Drake, Dudley, Griffith, Hamilton, Hargrove, Howell, Jones, S.C., Kilgore, Louderback, McClure, McQuigg, Morgan, Nixon, Parrish, Purkey, Reid, Rollison, Sherwood, Suit, Tata, Wagner, Wardrup and Weatherholtz; Senators: Schrock and Stolle

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered § 18.2-248.02 as follows:**

*§ 18.2-248.02. Penalty for subsequent conviction of manufacturing, selling, giving, distributing or possessing with intent to manufacture, sell, give or distribute a controlled substance or transporting controlled substances into the Commonwealth.*

*When a person is convicted of a violation of § 18.2-248 with respect to a controlled substance classified in Schedule I or II, or of a violation of § 18.2-248.01, and it is alleged in the warrant, indictment or information that he has been before convicted of either such offense or of a substantially similar offense in any other jurisdiction which offense would be a felony if committed in the Commonwealth, he shall not be eligible for probation and shall be sentenced to not less than five years nor more than life imprisonment, three years of which shall be a minimum, mandatory term of imprisonment, and a fine not to exceed \$500,000. The minimum, mandatory term of imprisonment shall not be suspended in whole or in part and shall be served consecutively with any other sentence.*

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$873,300 in FY 2004.**

INTRODUCED

HB382