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SENATE BILL NO. 1415

Offered January 19, 2011

A BILL to amend and reenact §§ 18.2-248.02 and 18.2-248.03 of the Code of Virginia, relating to manufacturing, selling, giving, possessing with intent to manufacture, etc., methamphetamine; penalties.

Patron—Wampler

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-248.02 and 18.2-248.03 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-248.02. Allowing a child to be present during manufacture or attempted manufacture of methamphetamine prohibited; penalties.

Any person 18 years of age or older who maintains a custodial relationship over a child under the age of 18, including but not limited to a parent, step-parent, grandparent, or step-grandparent, or who stands in loco parentis with respect to such child, and who knowingly allows that child to be present in the same dwelling, apartment as defined by § 55-79.2, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine as prohibited by subsection C1 of § 18.2-248 is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years, *two years of which shall be a mandatory minimum term of imprisonment*. This penalty shall be in addition to and served consecutively with any other sentence.

§ 18.2-248.03. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine; penalty.

A. Notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$250,000 and imprisonment for not less than five nor more than 40 years, *two years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence*.

B. Notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, *three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence*.

BC. Notwithstanding any other provision of law, any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 227 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for not less than five years nor more than life, *five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence*.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$5,005,978 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

INTRODUCED

SB1415