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**HOUSE BILL NO. 2166**

Offered January 11, 2017

Prefiled January 11, 2017

A *BILL to amend and reenact § 18.2-250 of the Code of Virginia, relating to possession of controlled substances.*

Patrons—Pillion, Kilgore and O'Quinn; Senator: Carrico

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 18.2-250 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-250. Possession of controlled substances unlawful.**

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

Upon the prosecution of a person for a violation of this section, ownership or occupancy of a premises or vehicle upon or in which a controlled substance was found shall not create a presumption that such person either knowingly or intentionally possessed such controlled substance.

(a) ~~B.~~ Any person who violates this section with respect to ~~any controlled substance classified in Schedule I or II of the Drug Control Act~~ shall be the following substances is guilty of a Class 5 felony; ~~except that:~~

1. Cocaine;

2. Codeine;

3. Fentanyl;

4. Heroin;

5. Hydrocodone;

6. Hydromorphone;

7. Methadone;

8. Methamphetamine;

9. Methylphenidate;

10. Morphine;

11. Oxycodone; or

12. Any other controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.).

However, any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof who violates this section with respect to a cannabimimetic agent is guilty of a Class 1 misdemeanor.

(~~b~~) C. Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee thereof, who violates this section with respect to a ~~controlled substance classified in Schedule III~~ shall be the following substances is guilty of a Class 1 misdemeanor:

1. Buprenorphine; or

2. Any other controlled substance classified in Schedule III.

(~~b1~~) D. Violation of this section with respect to a controlled substance classified in Schedule IV shall be punishable as a Class 2 misdemeanor.

(~~b2~~) E. Violation of this section with respect to a controlled substance classified in Schedule V shall be punishable as a Class 3 misdemeanor.

(~~e~~) F. Violation of this section with respect to a controlled substance classified in Schedule VI shall be punishable as a Class 4 misdemeanor.

B. G. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of a controlled substance or substances is necessary in the performance of their duties.

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 \$0 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the Virginia Criminal Sentencing Commission shall promulgate separate Virginia crime

INTRODUCED

HB2166

59 code references for each controlled substance specifically set out in § 18.2-250 of the Code of  
60 Virginia.