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HOUSE BILL NO. 196

Offered January 10, 1996

A BILL to amend and reenact § 18.2-255 of the Code of Virginia, relating to sale of drugs by minors; penalty.

Patrons—Ingram; Senator: Quayle

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-255 of the Code of Virginia is amended and reenacted as follows:**

§ 18.2-255. Distribution of certain drugs to persons under eighteen prohibited; penalty.

A. Except as authorized in the Drug Control Act, ~~Chapter 34 of Title 54.1~~ (§ 54.1-4300 *et seq.*), it shall be unlawful for any person who is at least eighteen years of age to knowingly or intentionally (i) distribute any drug classified in Schedule I, II, III or IV or marijuana to any person under eighteen years of age who is at least three years his junior or (ii) ~~cause any person under eighteen years of age who is at least three years his junior to assist in such distribution of any drug classified in Schedule I, II, III or IV or marijuana.~~ Any person violating this provision shall upon conviction be imprisoned in a state correctional facility for a period not less than ten nor more than fifty years, and fined not more than \$100,000. Five years of the sentence imposed shall not be suspended, in whole or in part for a conviction under this section involving a Schedule I or II controlled substance or one ounce or more of marijuana. Two years of the sentence imposed shall not be suspended, in whole or in part, for a conviction involving less than one ounce of marijuana.

B. ~~Except as authorized in the Drug Control Act (§ 54.1-3400 *et seq.*), it shall be unlawful for any person who is at least eighteen years of age to knowingly cause any person under eighteen years of age who is at least three years his junior to assist in distribution of any drug classified in Schedule I, II, III or IV or marijuana. Any person violating this provision shall upon conviction be imprisoned in a state correctional facility for a period not less than ten nor more than fifty years, and fined not more than \$100,000. Ten years of the sentence imposed shall not be suspended, in whole or in part for a conviction under this section involving a Schedule I or II controlled substance or one ounce or more of marijuana. Four years of the sentence imposed shall not be suspended, in whole or in part, for a conviction involving less than one ounce of marijuana.~~

~~B.~~ C. It shall be unlawful for any person who is at least eighteen years of age to knowingly or intentionally (i) distribute any imitation controlled substance to a person under eighteen years of age who is at least three years his junior or (ii) cause any person under eighteen years of age who is at least three years his junior to assist in such distribution of any imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

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 \$250,000.

INTRODUCED

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