

House Bill 1441 (AS PASSED HOUSE AND SENATE)

By: Representatives Jones of the 38th, Hill of the 81st, Campbell of the 39th, Dix of the 70th,
Post 2, and Burkhalter of the 36th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, so as to create a new offense relative to trafficking in 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine, commonly known as ecstasy; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to regulation of controlled substances, is amended by adding a new Code section to the article to read as follows:

"16-13-31.1.

Any person who knowingly sells, manufactures, delivers, brings into this state, or has possession of 28 grams or more of 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine, or any mixture containing 3,4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine as described in Schedule I, in violation of this article commits the felony offense of trafficking in 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of such substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three years but not more than 30 years and shall pay a fine of not less than \$25,000.00 nor more than \$250,000.00;

(2) If the quantity of such substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years but not more than 30 years and shall pay a fine of not less than \$50,000.00 nor more than \$250,000.00; and

1 (3) If the quantity of such substance involved is 400 grams or more, the person shall be
2 sentenced to a mandatory minimum term of imprisonment of 10 years but not more than
3 30 years and shall pay a fine of not less than \$100,000.00 nor more than \$250,000.00."
4 To strike subsection (f) of Code Section 16-13-32.6 to insert in lieu thereof a new subsection
5 (f) to read as follows:

6 **SECTION 1A.**

7 (f) The General Assembly hereby adopts and incorporates into this Code section all drug-free
8 commercial zones which have been adopted by municipal or county ordinance and entered
9 in the register of the Department of Community Affairs as provided for in subsection (d) of
10 this Code section on or before March ~~22, 1999~~ 10, 2004.

11 **SECTION 2.**

12 All laws and parts of laws in conflict with this Act are repealed.