



General Assembly

Amendment

February Session, 2004

LCO No. 4853

HB0566804853HDO

Offered by:

REP. DYSON, 94th Dist.

REP. LAWLOR, 99th Dist.

REP. DIAMANTIS, 79th Dist.

To: Subst. House Bill No. 5668

File No. 501

Cal. No. 347

"AN ACT CONCERNING THE MERGER OF THE DEPARTMENT OF CORRECTION AND THE BOARD OF PAROLE AND THE CARRYING OF HANDGUNS BY EMPLOYEES OF THE DEPARTMENT OF CORRECTION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 21a-278 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) Any person who manufactures, distributes, sells, prescribes,
6 dispenses, compounds, transports with the intent to sell or dispense,
7 possesses with the intent to sell or dispense, offers, gives or
8 administers to another person one or more preparations, compounds,
9 mixtures or substances containing an aggregate weight of one ounce or
10 more of heroin, methadone or cocaine or an aggregate weight of [one-
11 half gram] one ounce or more of cocaine in a free-base form or a

12 substance containing five milligrams or more of lysergic acid
13 diethylamide, except as authorized in this chapter, and who is not, at
14 the time of such action, a drug-dependent person, shall be imprisoned
15 for a minimum term of not less than five years nor more than twenty
16 years; and, a maximum term of life imprisonment. The execution of the
17 mandatory minimum sentence imposed by the provisions of this
18 subsection shall not be suspended except the court may suspend the
19 execution of such mandatory minimum sentence if at the time of the
20 commission of the offense (1) such person was under the age of
21 eighteen years, or (2) such person's mental capacity was significantly
22 impaired but not so impaired as to constitute a defense to prosecution.

23 (b) Any person who manufactures, distributes, sells, prescribes,
24 dispenses, compounds, transports with the intent to sell or dispense,
25 possesses with the intent to sell or dispense, offers, gives or
26 administers to another person any narcotic substance, hallucinogenic
27 substance other than marijuana, amphetamine-type substance, or one
28 kilogram or more of a cannabis-type substance except as authorized in
29 this chapter, and who is not at the time of such action a drug-
30 dependent person, for a first offense shall be imprisoned not less than
31 five years nor more than twenty years; and for each subsequent offense
32 shall be imprisoned not less than ten years nor more than twenty-five
33 years. The execution of the mandatory minimum sentence imposed by
34 the provisions of this subsection shall not be suspended except the
35 court may suspend the execution of such mandatory minimum
36 sentence if at the time of the commission of the offense (1) such person
37 was under the age of eighteen years, or (2) such person's mental
38 capacity was significantly impaired but not so impaired as to
39 constitute a defense to prosecution."