



Senate

General Assembly

File No. 652

January Session, 2017

Substitute Senate Bill No. 1032

Senate, April 18, 2017

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION CONCERNING A TECHNICAL REORGANIZATION OF STATUTES INVOLVING THE ILLEGAL SALE OF CONTROLLED SUBSTANCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-277 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 [(a) Any person who manufactures, distributes, sells, prescribes,
4 dispenses, compounds, transports with the intent to sell or dispense,
5 possesses with the intent to sell or dispense, offers, gives or
6 administers to another person any controlled substance which is a
7 hallucinogenic substance other than marijuana, or a narcotic substance,
8 except as authorized in this chapter, for a first offense, shall be
9 imprisoned not more than fifteen years and may be fined not more
10 than fifty thousand dollars or be both fined and imprisoned; and for a
11 second offense shall be imprisoned not more than thirty years and may
12 be fined not more than one hundred thousand dollars, or be both fined
13 and imprisoned; and for each subsequent offense, shall be imprisoned

14 not more than thirty years and may be fined not more than two
15 hundred fifty thousand dollars, or be both fined and imprisoned.

16 (b) Any person who manufactures, distributes, sells, prescribes,
17 dispenses, compounds, transports with intent to sell or dispense,
18 possesses with intent to sell or dispense, offers, gives or administers to
19 another person any controlled substance, except a narcotic substance,
20 or a hallucinogenic substance other than marijuana, except as
21 authorized in this chapter, may, for the first offense, be fined not more
22 than twenty-five thousand dollars or be imprisoned not more than
23 seven years or be both fined and imprisoned; and, for each subsequent
24 offense, may be fined not more than one hundred thousand dollars or
25 be imprisoned not more than fifteen years, or be both fined and
26 imprisoned.]

27 (a) (1) No person may manufacture, distribute, sell, prescribe,
28 dispense, compound, transport with the intent to sell or dispense,
29 possess with the intent to sell or dispense, offer, give or administer to
30 another person, except as authorized in this chapter, any controlled
31 substance that is a (A) narcotic substance, or (B) hallucinogenic
32 substance.

33 (2) Any person who violates subdivision (1) of this subsection (A)
34 for a first offense, shall be imprisoned not more than fifteen years and
35 may be fined not more than fifty thousand dollars, or be both fined
36 and imprisoned, (B) for a second offense, shall be imprisoned not more
37 than thirty years and may be fined not more than one hundred
38 thousand dollars, or be both fined and imprisoned, and (C) for any
39 subsequent offense, shall be imprisoned not more than thirty years and
40 may be fined not more than two hundred fifty thousand dollars, or be
41 both fined and imprisoned.

42 (b) (1) No person may manufacture, distribute, sell, prescribe,
43 dispense, compound, transport with the intent to sell or dispense,
44 possess with the intent to sell or dispense, offer, give or administer to
45 another person, except as authorized in this chapter or chapter 420f,
46 any controlled substance other than a (A) narcotic substance, or (B)

47 hallucinogenic substance.

48 (2) Any person who violates subdivision (1) of this subsection (A)
49 for a first offense, may be fined not more than twenty-five thousand
50 dollars or imprisoned not more than seven years, or be both fined and
51 imprisoned, and (B) for any subsequent offense, may be fined not more
52 than one hundred thousand dollars or imprisoned not more than
53 fifteen years, or be both fined and imprisoned.

54 (c) No person [shall] may knowingly possess drug paraphernalia in
55 a drug factory situation as defined by subdivision (20) of section 21a-
56 240 for the unlawful mixing, compounding or otherwise preparing any
57 controlled substance for purposes of violation of this chapter.

58 (d) As an alternative to the sentences specified in subsections (a)
59 and (b) of this section, the court may sentence the person to the
60 custody of the Commissioner of Correction for an indeterminate term
61 not to exceed three years or the maximum term specified for the
62 offense, whichever is [the lesser] less, and, at any time within such
63 indeterminate term and without regard to any other provision of law
64 regarding minimum term of confinement, the Commissioner of
65 Correction may release the convicted person so sentenced subject to
66 such conditions as [he] the commissioner may impose including, but
67 not limited to, supervision by suitable authority. At any time during
68 such indeterminate term, the Commissioner of Correction may revoke
69 any such conditional release in [his] the commissioner's discretion for
70 violation of the conditions imposed and return the convicted person to
71 a correctional institution.

72 Sec. 2. Section 21a-278 of the general statutes is repealed and the
73 following is substituted in lieu thereof (*Effective October 1, 2017*):

74 [(a) Any person who manufactures, distributes, sells, prescribes,
75 dispenses, compounds, transports with the intent to sell or dispense,
76 possesses with the intent to sell or dispense, offers, gives or
77 administers to another person one or more preparations, compounds,
78 mixtures or substances containing an aggregate weight of one ounce or

79 more of heroin or methadone or an aggregate weight of one-half ounce
80 or more of cocaine or one-half ounce or more of cocaine in a free-base
81 form, or a substance containing five milligrams or more of lysergic
82 acid diethylamide, except as authorized in this chapter, and who is not,
83 at the time of such action, a drug-dependent person, shall be
84 imprisoned for a minimum term of not less than five years or more
85 than twenty years; and, a maximum term of life imprisonment. The
86 execution of the mandatory minimum sentence imposed by the
87 provisions of this subsection shall not be suspended, except the court
88 may suspend the execution of such mandatory minimum sentence if at
89 the time of the commission of the offense (1) such person was under
90 the age of eighteen years, or (2) such person's mental capacity was
91 significantly impaired, but not so impaired as to constitute a defense to
92 prosecution.

93 (b) Any person who manufactures, distributes, sells, prescribes,
94 dispenses, compounds, transports with the intent to sell or dispense,
95 possesses with the intent to sell or dispense, offers, gives or
96 administers to another person any narcotic substance, hallucinogenic
97 substance other than marijuana, amphetamine-type substance, or one
98 kilogram or more of a cannabis-type substance, except as authorized in
99 this chapter, and who is not, at the time of such action, a drug-
100 dependent person, for a first offense shall be imprisoned not less than
101 five years or more than twenty years; and for each subsequent offense
102 shall be imprisoned not less than ten years or more than twenty-five
103 years. The execution of the mandatory minimum sentence imposed by
104 the provisions of this subsection shall not be suspended, except the
105 court may suspend the execution of such mandatory minimum
106 sentence if at the time of the commission of the offense (1) such person
107 was under the age of eighteen years, or (2) such person's mental
108 capacity was significantly impaired, but not so impaired as to
109 constitute a defense to prosecution.]

110 (a) (1) No person may manufacture, distribute, sell, prescribe,
111 dispense, compound, transport with the intent to sell or dispense,
112 possess with the intent to sell or dispense, offer, give or administer to

113 another person, except as authorized in this chapter, (A) one or more
114 preparations, compounds, mixtures or substances containing an
115 aggregate weight of (i) one ounce or more of heroin or methadone, or
116 (ii) one-half ounce or more of cocaine or cocaine in a free-base form, or
117 (B) a substance containing five milligrams or more of lysergic acid
118 diethylamide. The provisions of this subdivision shall not apply to a
119 person who is, at the time of the commission of the offense, a drug-
120 dependent person.

121 (2) Any person who violates subdivision (1) of this subsection shall
122 be imprisoned not less than five years or more than life. The execution
123 of the mandatory minimum sentence imposed by the provisions of this
124 subdivision shall not be suspended, except that the court may suspend
125 the execution of such mandatory minimum sentence if, at the time of
126 the commission of the offense, such person was under the age of
127 eighteen years or such person's mental capacity was significantly
128 impaired, but not so impaired as to constitute a defense to prosecution.

129 (b) (1) No person may manufacture, distribute, sell, prescribe,
130 dispense, compound, transport with the intent to sell or dispense,
131 possess with the intent to sell or dispense, offer, give or administer to
132 another person, except as authorized in this chapter or chapter 420f,
133 (A) a narcotic substance, (B) a hallucinogenic substance, (C) an
134 amphetamine-type substance, or (D) one kilogram or more of a
135 cannabis-type substance. The provisions of this subdivision shall not
136 apply to a person who is, at the time of the commission of the offense,
137 a drug-dependent person.

138 (2) Any person who violates subdivision (1) of this subsection (A)
139 for a first offense, shall be imprisoned not less than five years or more
140 than twenty years, and (B) for any subsequent offense, shall be
141 imprisoned not less than ten years or more than twenty-five years. The
142 execution of the mandatory minimum sentence imposed by the
143 provisions of this subdivision shall not be suspended, except that the
144 court may suspend the execution of such mandatory minimum
145 sentence if, at the time of the commission of the offense, such person

146 was under the age of eighteen years or such person's mental capacity
147 was significantly impaired, but not so impaired as to constitute a
148 defense to prosecution.

149 Sec. 3. Section 21a-255 of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective October 1, 2017*):

151 [(a) Any person who, either as principal or agent, refuses or fails to
152 make, furnish or keep any record, notification, order form, statement,
153 invoice or information required by sections 21a-243 to 21a-282,
154 inclusive, or regulations adopted pursuant to section 21a-244, for the
155 first offense may be fined not more than five hundred dollars and for
156 each subsequent offense may be fined not more than one thousand
157 dollars or imprisoned not more than thirty days or be both fined and
158 imprisoned.

159 (b) Any person who fails to keep any record required by said
160 sections 21a-243 to 21a-282, inclusive, or said regulations, with an
161 intent to defeat the purpose of this chapter or any person who violates
162 any other provision of said sections, except as to such violations for
163 which penalties are specifically provided in sections 21a-277 and 21a-
164 279, may, for the first offense, be fined not more than three thousand
165 five hundred dollars or be imprisoned for not more than two years or
166 be both fined and imprisoned; and for the second and each subsequent
167 offense shall be guilty of a class C felony.]

168 (a) Any person who, either as principal or agent, refuses or fails to
169 make, furnish or keep any record, notification, order form, statement,
170 invoice or information required by sections 21a-243 to 21a-282,
171 inclusive, or regulations adopted pursuant to section 21a-244, (1) for a
172 first offense, may be fined not more than five hundred dollars, and (2)
173 for any subsequent offense, may be fined not more than one thousand
174 dollars or imprisoned not more than thirty days, or be both fined and
175 imprisoned.

176 (b) Any person who, with intent to defeat the purpose of this
177 chapter, fails to keep any record required by sections 21a-243 to 21a-

178 282, inclusive, or regulations adopted pursuant to section 21a-244, (1)
 179 for a first offense, may be fined not more than three thousand five
 180 hundred dollars or imprisoned not more than two years, or be both
 181 fined and imprisoned, and (2) for any subsequent offense, shall be
 182 guilty of a class C felony.

183 (c) Any person who violates any provision of sections 21a-243 to
 184 21a-282, inclusive, for which no penalty is expressly provided, (1) for a
 185 first offense, may be fined not more than three thousand five hundred
 186 dollars or imprisoned not more than two years, or be both fined and
 187 imprisoned, and (2) for any subsequent offense, shall be guilty of a
 188 class C felony.

189 Sec. 4. Subdivision (23) of section 21a-240 of the general statutes is
 190 repealed and the following is substituted in lieu thereof (*Effective*
 191 *October 1, 2017*):

192 (23) "Hallucinogenic substances" are psychodysleptic substances,
 193 other than cannabis-type substances, which assert a confusional or
 194 disorganizing effect upon mental processes or behavior and mimic
 195 acute psychotic disturbances. Exemplary of such drugs are mescaline,
 196 peyote, psilocyn and d-lysergic acid diethylamide, which are
 197 controlled substances under this chapter unless modified;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	21a-277
Sec. 2	<i>October 1, 2017</i>	21a-278
Sec. 3	<i>October 1, 2017</i>	21a-255
Sec. 4	<i>October 1, 2017</i>	21a-240(23)

Statement of Legislative Commissioners:

The title was changed for accuracy and chapter 420f was referenced in Section 1(b)(1) for conformity with Section 2(b)(1).

JUD Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill makes technical reorganizational changes to the statutes regarding the illegal sale of controlled substances and results in no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1032*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE CONNECTICUT SENTENCING COMMISSION CONCERNING A TECHNICAL REORGANIZATION OF STATUTES INVOLVING THE ILLEGAL SALE OF CONTROLLED SUBSTANCES.*****SUMMARY**

This bill makes technical and clarifying changes to the laws on illegal drug sales and certain other crimes related to controlled substances. It does not change any of the existing penalties.

EFFECTIVE DATE: October 1, 2017

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 39 Nay 0 (03/31/2017)