HOUSE RESEARCH

Bill Summary

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Authors: Pawlenty and others

Subject: Enhanced sentencing for subsequent controlled substance convictions

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Overview

This bill requires that a stay of adjudication for certain first time possession of controlled substance violations be used to enhance the penalty for a subsequent controlled substance conviction.

1 **Subsequent controlled substance conviction.** Under existing law, a controlled substance conviction is a "subsequent conviction" for the purpose of determining if enhanced penalties apply if, before committing the current offense, the offender already had a felony controlled substance conviction. A disposition under section 152.18, however, is not considered as a prior controlled substance conviction. (Under 152.18, the court may stay adjudication for certain controlled substance offenses.)

Under this bill, a disposition for a felony level offense under section 152.18 will be considered a prior controlled substance conviction for purposes of applying enhanced penalties to a subsequent controlled substance conviction. Dispositions under section 152.18 are relevant only if it has been less than ten years since those dispositions expired. This time period is the same time period contained in current law for determining the relevancy of any other controlled substance conviction.

2 **Effective date.** August 1, 1999 for dispositions entered and crimes committed on or after that date.