

MAINE STATE LEGISLATURE

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Date: 9-27-11

(Filing No. S-370)

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STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "A" to H.P. 1192, L.D. 1589, Bill, "An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs"

Amend the bill in section 6 by striking out all of §1122 (page 5, lines 13 to 29 in L.D.) and inserting the following:

§1122. Unlawfully furnishing synthetic hallucinogenic drugs

1. A person is guilty of unlawful furnishing of a synthetic hallucinogenic drug if the person intentionally or knowingly furnishes what the person knows or believes to be a synthetic hallucinogenic drug, which is in fact a synthetic hallucinogenic drug.

Violation of this subsection is a Class D crime.

2. A person who violates subsection 1 commits a Class C crime if the person has one or more prior convictions for any offense under this chapter or for engaging in substantially similar conduct to that of an offense under this chapter in another jurisdiction. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, the date of each prior conviction may precede the commission of the offense being enhanced by more than 10 years.

3. If a person uses a motor vehicle to facilitate the unlawful furnishing of a synthetic hallucinogenic drug, the court may, in addition to other authorized penalties, suspend the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license for a period not to exceed 5 years. A suspension may not begin until after any period of incarceration is served. If the court suspends a person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license, the court shall notify the Secretary of State of the suspension and the court shall take physical custody of the person's license or permit. The Secretary of State may not reinstate the person's driver's license or permit or privilege to operate a motor vehicle or right to apply for or obtain a license unless the person demonstrates that, after having been released and discharged from any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.'

SENATE AMENDMENT

SUMMARY

This amendment changes the penalty for unlawfully furnishing synthetic hallucinogenic drugs from a Class C crime as specified in the bill to a Class D crime, unless the person has a prior conviction, in which case it is a Class C crime.

FISCAL NOTE REQUIRED

(See attached)

SPONSORED BY:

(Senator MASON)

COUNTY: Androscoggin



125th MAINE LEGISLATURE

LD 1589

LR 2221(04)

An Act To Criminalize Possession, Trafficking and Furnishing of So-called Bath Salts Containing Synthetic Hallucinogenic Drugs

Fiscal Note for Senate Amendment "A" *S-370*

Sponsor: Sen. Mason of Androscoggin

Fiscal Note Required: Yes

Fiscal Note

Minor savings - General Fund

Fiscal Detail and Notes

This amendment reduces the class of crime for furnishing synthetic hallucinogenic drugs from Class C to Class D. The change may reduce incarceration costs due to an assumption of shorter sentences for those convicted but does not appreciably change the estimate of fiscal impact identified in the bill.