



2005 ASSEMBLY BILL 989

February 7, 2006 – Introduced by Representatives HAHN, AINSWORTH, ALBERS, BIES, GRONEMUS, GUNDERSON, GUNDRUM, HINES, KRAWCZYK, MUSSER, NASS, OTT, OWENS, PETROWSKI, TOWNS, TOWNSEND and UNDERHEIM, cosponsored by Senators S. FITZGERALD and ROESSLER. Referred to Committee on Judiciary.

1 **AN ACT to amend** 961.41 (3g) (d) of the statutes; **relating to:** the controlled
2 substance ecstasy and providing penalties.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from possessing or attempting to possess certain controlled substances. The penalties for violating this prohibition and how the violation is classified depend on the controlled substance involved and, for some controlled substances, the person's criminal record with respect to controlled substance offenses.

Under current law, a person who possesses or attempts to possess the controlled substance ecstasy (3,4-methylenedioxymethamphetamine, commonly known as MDMA) is guilty of a misdemeanor and may be fined not more than \$500 or imprisoned in the county jail for not more than 30 days or both. This bill increases those penalties so that they are the same as the current penalties for possessing or attempting to possess LSD (lysergic acid diethylamide). Under the bill, if a person is convicted of possessing or attempting to possess ecstasy, the person is guilty of a misdemeanor and may be fined not more than \$5,000 or imprisoned in the county jail for not more than one year or both. But, if a person is convicted of possessing or attempting to possess ecstasy after being convicted of any state or federal controlled substance offense, the person is guilty of a Class I felony and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to three and one-half years (which, if the sentence is for more than one year, consists of a term of confinement in prison followed by a term of extended supervision) or both.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a

