

2005 ASSEMBLY BILL 48

January 27, 2005 – Introduced by Representatives PETTIS, SUDER, MUSSER, HINES, NASS, MONTGOMERY, OTT, KREIBICH, ALBERS and GUNDERSON, cosponsored by Senators HARSDORF and ROESSLER. Referred to Committee on Criminal Justice and Homeland Security.

1 **AN ACT** *to renumber and amend* 961.573 (3); and *to create* 961.573 (3) (b) 2.
2 of the statutes; **relating to:** use of, and possession with intent to use, certain
3 drug paraphernalia and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits the use of, and the possession with intent to use, drug paraphernalia. A person who violates this prohibition may be imprisoned for not more than 30 days or fined not more than \$500 or both. If the paraphernalia is for making or storing methamphetamine, the person may be sentenced to a term of imprisonment of not more than six years, which, as with all criminal sentences, includes a term of confinement and a term of extended supervision if the sentence is for more than one year, or may be fined not more than \$10,000 or both.

This bill increases the penalty for a person using, or possessing with intent to use, drug paraphernalia related to methamphetamine, if the person is 18 years of age or older and uses or possesses the drug paraphernalia in the presence of a child who is 14 years of age or younger. In such a case, the person may be sentenced to a term of imprisonment of not more than ten years or fined not more than \$25,000 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 report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

