



**HB 66 CONTROLLED SUBSTANCES; HOMICIDE; GOOD TIME DEDUCTION –
SECTIONAL ANALYSIS
VERSION B**

March 28, 2023

Section 1. This section reclassifies a homicide resulting from conduct involving controlled substances from manslaughter to murder in the second degree. A person is guilty of murder in the second degree under this theory where the person violates misconduct involving a controlled substance in the first, second, third, or fourth degree for a schedule IVA controlled substance, and a person dies as a result of ingesting the drugs.

Section 2. This section amends misconduct involving a controlled substance in the first degree (unclassified felony) if a person delivers a schedule IA, IIA, IIIA, or IVA controlled substance to a person who is mentally incapable, incapacitated, or unaware that a controlled substance is being delivered.

Section 3. This section adds definitions for “incapacitated” and “mentally incapable” to misconduct involving a controlled substance in the first degree. This change is related to the change made in section 2.

Section 4. This section creates an enhanced sentencing range of seven – 11 years for persons who are convicted of class A felony level manufacturing or delivering a schedule IA controlled substance.

Section 5. This section amends computation of good time to preclude individuals convicted of misconduct involving a controlled substance in the first, second, third, and fourth degree from receiving a good time deduction from their sentence where the conduct involves manufacturing or delivering or possessing with the intent to manufacture or deliver a controlled substance.

Section 6. This section is the repealer section.

Section 7. This section is the applicability section. This bill will apply to offenses occurring on or after the effective date.

Section 8. This section establishes the effective date as July 1, 2023.