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H.609

Introduced by Representative Wizowaty of Burlington

Referred to Committee on

Date:

Subject: Health; drugs; cocaine; trafficking

Statement of purpose: This bill proposes to eliminate the disparity between cocaine and crack cocaine trafficking offenses.

An act relating to the disparity between cocaine and crack cocaine

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 4231(c) is amended to read:

(c)(4) Trafficking. A person knowingly and unlawfully possessing cocaine or crack cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine with the intent to sell or dispense the cocaine shall be imprisoned not more than 30 years or fined not more than \$1,000,000.00, or both. There shall be a permissive inference that a person who possesses cocaine or crack cocaine in an amount consisting of 150 grams or more of one or more preparations, compounds, mixtures, or substances containing cocaine or crack cocaine intends to sell or dispense the cocaine or crack cocaine. The amount of possessed cocaine or crack cocaine under this subdivision to sustain a charge

1 of conspiracy under 13 V.S.A. § 1404 shall be no less than 400 grams in the
2 aggregate.

3 ~~(2) A person knowingly and unlawfully possessing crack cocaine in an~~
4 ~~amount consisting of 60 grams or more of one or more preparations,~~
5 ~~compounds, mixtures, or substances containing crack cocaine with the intent to~~
6 ~~sell or dispense the crack cocaine shall be imprisoned not more than 30 years~~
7 ~~or fined not more than \$1,000,000.00, or both. There shall be a permissive~~
8 ~~inference that a person who possesses crack cocaine in an amount consisting of~~
9 ~~60 grams or more of one or more preparations, compounds, mixtures, or~~
10 ~~substances containing crack cocaine intends to sell or dispense the crack~~
11 ~~cocaine.~~

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2012.