



General Assembly

January Session, 2017

***Raised Bill No. 1032***

LCO No. 5422



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING TECHNICAL REORGANIZATION OF  
STATUTES INVOLVING THE ILLEGAL SALE OF CONTROLLED  
SUBSTANCES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-277 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2017*):

3 [(a) Any person who manufactures, distributes, sells, prescribes,  
4 dispenses, compounds, transports with the intent to sell or dispense,  
5 possesses with the intent to sell or dispense, offers, gives or  
6 administers to another person any controlled substance which is a  
7 hallucinogenic substance other than marijuana, or a narcotic substance,  
8 except as authorized in this chapter, for a first offense, shall be  
9 imprisoned not more than fifteen years and may be fined not more  
10 than fifty thousand dollars or be both fined and imprisoned; and for a  
11 second offense shall be imprisoned not more than thirty years and may  
12 be fined not more than one hundred thousand dollars, or be both fined  
13 and imprisoned; and for each subsequent offense, shall be imprisoned  
14 not more than thirty years and may be fined not more than two

15 hundred fifty thousand dollars, or be both fined and imprisoned.

16 (b) Any person who manufactures, distributes, sells, prescribes,  
17 dispenses, compounds, transports with intent to sell or dispense,  
18 possesses with intent to sell or dispense, offers, gives or administers to  
19 another person any controlled substance, except a narcotic substance,  
20 or a hallucinogenic substance other than marijuana, except as  
21 authorized in this chapter, may, for the first offense, be fined not more  
22 than twenty-five thousand dollars or be imprisoned not more than  
23 seven years or be both fined and imprisoned; and, for each subsequent  
24 offense, may be fined not more than one hundred thousand dollars or  
25 be imprisoned not more than fifteen years, or be both fined and  
26 imprisoned.]

27 (a) (1) No person may manufacture, distribute, sell, prescribe,  
28 dispense, compound, transport with the intent to sell or dispense,  
29 possess with the intent to sell or dispense, offer, give or administer to  
30 another person, except as authorized in this chapter, any controlled  
31 substance that is a (A) narcotic substance, or (B) hallucinogenic  
32 substance.

33 (2) Any person who violates subdivision (1) of this subsection (A)  
34 for a first offense, shall be imprisoned not more than fifteen years and  
35 may be fined not more than fifty thousand dollars, or be both fined  
36 and imprisoned, (B) for a second offense, shall be imprisoned not more  
37 than thirty years and may be fined not more than one hundred  
38 thousand dollars, or be both fined and imprisoned, and (C) for any  
39 subsequent offense, shall be imprisoned not more than thirty years and  
40 may be fined not more than two hundred fifty thousand dollars, or be  
41 both fined and imprisoned.

42 (b) (1) No person may manufacture, distribute, sell, prescribe,  
43 dispense, compound, transport with the intent to sell or dispense,  
44 possess with the intent to sell or dispense, offer, give or administer to  
45 another person, except as authorized in this chapter, any controlled

46 substance other than a (A) narcotic substance, or (B) hallucinogenic  
47 substance.

48 (2) Any person who violates subdivision (1) of this subsection (A)  
49 for a first offense, may be fined not more than twenty-five thousand  
50 dollars or imprisoned not more than seven years, or be both fined and  
51 imprisoned, and (B) for any subsequent offense, may be fined not more  
52 than one hundred thousand dollars or imprisoned not more than  
53 fifteen years, or be both fined and imprisoned.

54 (c) No person [shall] may knowingly possess drug paraphernalia in  
55 a drug factory situation as defined by subdivision (20) of section 21a-  
56 240 for the unlawful mixing, compounding or otherwise preparing any  
57 controlled substance for purposes of violation of this chapter.

58 (d) As an alternative to the sentences specified in subsections (a)  
59 and (b) of this section, the court may sentence the person to the  
60 custody of the Commissioner of Correction for an indeterminate term  
61 not to exceed three years or the maximum term specified for the  
62 offense, whichever is [the lesser] less, and, at any time within such  
63 indeterminate term and without regard to any other provision of law  
64 regarding minimum term of confinement, the Commissioner of  
65 Correction may release the convicted person so sentenced subject to  
66 such conditions as [he] the commissioner may impose including, but  
67 not limited to, supervision by suitable authority. At any time during  
68 such indeterminate term, the Commissioner of Correction may revoke  
69 any such conditional release in [his] the commissioner's discretion for  
70 violation of the conditions imposed and return the convicted person to  
71 a correctional institution.

72 Sec. 2. Section 21a-278 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2017*):

74 [(a) Any person who manufactures, distributes, sells, prescribes,  
75 dispenses, compounds, transports with the intent to sell or dispense,  
76 possesses with the intent to sell or dispense, offers, gives or

77 administers to another person one or more preparations, compounds,  
78 mixtures or substances containing an aggregate weight of one ounce or  
79 more of heroin or methadone or an aggregate weight of one-half ounce  
80 or more of cocaine or one-half ounce or more of cocaine in a free-base  
81 form, or a substance containing five milligrams or more of lysergic  
82 acid diethylamide, except as authorized in this chapter, and who is not,  
83 at the time of such action, a drug-dependent person, shall be  
84 imprisoned for a minimum term of not less than five years or more  
85 than twenty years; and, a maximum term of life imprisonment. The  
86 execution of the mandatory minimum sentence imposed by the  
87 provisions of this subsection shall not be suspended, except the court  
88 may suspend the execution of such mandatory minimum sentence if at  
89 the time of the commission of the offense (1) such person was under  
90 the age of eighteen years, or (2) such person's mental capacity was  
91 significantly impaired, but not so impaired as to constitute a defense to  
92 prosecution.

93 (b) Any person who manufactures, distributes, sells, prescribes,  
94 dispenses, compounds, transports with the intent to sell or dispense,  
95 possesses with the intent to sell or dispense, offers, gives or  
96 administers to another person any narcotic substance, hallucinogenic  
97 substance other than marijuana, amphetamine-type substance, or one  
98 kilogram or more of a cannabis-type substance, except as authorized in  
99 this chapter, and who is not, at the time of such action, a drug-  
100 dependent person, for a first offense shall be imprisoned not less than  
101 five years or more than twenty years; and for each subsequent offense  
102 shall be imprisoned not less than ten years or more than twenty-five  
103 years. The execution of the mandatory minimum sentence imposed by  
104 the provisions of this subsection shall not be suspended, except the  
105 court may suspend the execution of such mandatory minimum  
106 sentence if at the time of the commission of the offense (1) such person  
107 was under the age of eighteen years, or (2) such person's mental  
108 capacity was significantly impaired, but not so impaired as to  
109 constitute a defense to prosecution.]

110 (a) (1) No person may manufacture, distribute, sell, prescribe,  
111 dispense, compound, transport with the intent to sell or dispense,  
112 possess with the intent to sell or dispense, offer, give or administer to  
113 another person, except as authorized in this chapter, (A) one or more  
114 preparations, compounds, mixtures or substances containing an  
115 aggregate weight of (i) one ounce or more of heroin or methadone, or  
116 (ii) one-half ounce or more of cocaine or cocaine in a free-base form, or  
117 (B) a substance containing five milligrams or more of lysergic acid  
118 diethylamide. The provisions of this subdivision shall not apply to a  
119 person who is, at the time of the commission of the offense, a drug-  
120 dependent person.

121 (2) Any person who violates subdivision (1) of this subsection shall  
122 be imprisoned not less than five years or more than life. The execution  
123 of the mandatory minimum sentence imposed by the provisions of this  
124 subdivision shall not be suspended, except that the court may suspend  
125 the execution of such mandatory minimum sentence if, at the time of  
126 the commission of the offense, such person was under the age of  
127 eighteen years or such person's mental capacity was significantly  
128 impaired, but not so impaired as to constitute a defense to prosecution.

129 (b) (1) No person may manufacture, distribute, sell, prescribe,  
130 dispense, compound, transport with the intent to sell or dispense,  
131 possess with the intent to sell or dispense, offer, give or administer to  
132 another person, except as authorized in this chapter or chapter 420f,  
133 (A) a narcotic substance, (B) a hallucinogenic substance, (C) an  
134 amphetamine-type substance, or (D) one kilogram or more of a  
135 cannabis-type substance. The provisions of this subdivision shall not  
136 apply to a person who is, at the time of the commission of the offense,  
137 a drug-dependent person.

138 (2) Any person who violates subdivision (1) of this subsection (A)  
139 for a first offense, shall be imprisoned not less than five years or more  
140 than twenty years, and (B) for any subsequent offense, shall be  
141 imprisoned not less than ten years or more than twenty-five years. The

142 execution of the mandatory minimum sentence imposed by the  
143 provisions of this subdivision shall not be suspended, except that the  
144 court may suspend the execution of such mandatory minimum  
145 sentence if, at the time of the commission of the offense, such person  
146 was under the age of eighteen years or such person's mental capacity  
147 was significantly impaired, but not so impaired as to constitute a  
148 defense to prosecution.

149 Sec. 3. Section 21a-255 of the general statutes is repealed and the  
150 following is substituted in lieu thereof (*Effective October 1, 2017*):

151 [(a) Any person who, either as principal or agent, refuses or fails to  
152 make, furnish or keep any record, notification, order form, statement,  
153 invoice or information required by sections 21a-243 to 21a-282,  
154 inclusive, or regulations adopted pursuant to section 21a-244, for the  
155 first offense may be fined not more than five hundred dollars and for  
156 each subsequent offense may be fined not more than one thousand  
157 dollars or imprisoned not more than thirty days or be both fined and  
158 imprisoned.]

159 (b) Any person who fails to keep any record required by said  
160 sections 21a-243 to 21a-282, inclusive, or said regulations, with an  
161 intent to defeat the purpose of this chapter or any person who violates  
162 any other provision of said sections, except as to such violations for  
163 which penalties are specifically provided in sections 21a-277 and 21a-  
164 279, may, for the first offense, be fined not more than three thousand  
165 five hundred dollars or be imprisoned for not more than two years or  
166 be both fined and imprisoned; and for the second and each subsequent  
167 offense shall be guilty of a class C felony.]

168 (a) Any person who, either as principal or agent, refuses or fails to  
169 make, furnish or keep any record, notification, order form, statement,  
170 invoice or information required by sections 21a-243 to 21a-282,  
171 inclusive, or regulations adopted pursuant to section 21a-244, (1) for a  
172 first offense, may be fined not more than five hundred dollars, and (2)

173 for any subsequent offense, may be fined not more than one thousand  
174 dollars or imprisoned not more than thirty days, or be both fined and  
175 imprisoned.

176 (b) Any person who, with intent to defeat the purpose of this  
177 chapter, fails to keep any record required by sections 21a-243 to 21a-  
178 282, inclusive, or regulations adopted pursuant to section 21a-244, (1)  
179 for a first offense, may be fined not more than three thousand five  
180 hundred dollars or imprisoned not more than two years, or be both  
181 fined and imprisoned, and (2) for any subsequent offense, shall be  
182 guilty of a class C felony.

183 (c) Any person who violates any provision of sections 21a-243 to  
184 21a-282, inclusive, for which no penalty is expressly provided, (1) for a  
185 first offense, may be fined not more than three thousand five hundred  
186 dollars or imprisoned not more than two years, or be both fined and  
187 imprisoned, and (2) for any subsequent offense, shall be guilty of a  
188 class C felony.

189 Sec. 4. Subdivision (23) of section 21a-240 of the general statutes is  
190 repealed and the following is substituted in lieu thereof (*Effective*  
191 *October 1, 2017*):

192 (23) "Hallucinogenic substances" are psychodysleptic substances,  
193 other than cannabis-type substances, which assert a confusional or  
194 disorganizing effect upon mental processes or behavior and mimic  
195 acute psychotic disturbances. Exemplary of such drugs are mescaline,  
196 peyote, psilocyn and d-lysergic acid diethylamide, which are  
197 controlled substances under this chapter unless modified;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2017</i>	21a-277
Sec. 2	<i>October 1, 2017</i>	21a-278
Sec. 3	<i>October 1, 2017</i>	21a-255

Sec. 4	October 1, 2017	21a-240(23)
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**Statement of Purpose:**

To improve the organization and comprehensibility of statutes concerning the illegal sale of controlled substances.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*