

## Session 108 - (1989-1990)

### S 1530 General Bill, By Senate Judiciary

A Bill to enact the "The Omnibus Drug Offenses Act of 1990" so as to amend Section 44-53-110, Code of Laws of South Carolina, 1976, as amended, relating to definitions for purposes of the narcotics and controlled substances laws, so as to provide a definition for the terms "ice" or "crank"; to amend Section 44-53-370(a), relating to prohibited acts concerning narcotics and controlled substances, so as to include delivery, purchase, or attempted manufacture, distribution, dispensing, delivery, or purchase as prohibited acts; to amend Item (e) of Section 44-53-370, as amended, relating to prohibited acts concerning narcotics and controlled substances, so as to include the cultivation or purchase and attempted possession as prohibited acts; to amend Subitem (e)(1) of Section 44-53-370, as amended, relating to prohibited acts concerning narcotics and controlled substances, so as to provide that the actual or constructive possession of one hundred to one thousand marijuana plants, regardless of weight, is punishable by a mandatory term of imprisonment of twenty-five years and a fine of twenty-five thousand dollars, that the actual or constructive possession of more than one thousand marijuana plants, but less than ten thousand marijuana plants, regardless of weight, is punishable by a mandatory term of imprisonment of twenty-five years and a fine of fifty thousand dollars, and that the actual or constructive possession of ten thousand marijuana plants or more than ten thousand marijuana plants, regardless of weight, is punishable by a term of imprisonment of twenty-five to thirty years with a mandatory minimum term of imprisonment of twenty-five years and a fine of two hundred thousand dollars; to amend Section 44-53-375, relating to penalties for possession, distribution, and manufacture of crack cocaine, so as to include references to "ice" and "crank", to prohibit attempted possession of these substances, and to add a new offense known as "trafficking in ice, crank, or crack cocaine"; to amend Chapter 53, Title 44, relating to poisons, drugs, and other controlled substances, by adding Section 44-53-392 so as to provide that the total weight of the substance in its pure form or as a mixture is the appropriate weight to be considered for purposes of this Article; to amend Section 44-53-445, as amended, relating to the distribution of a controlled substance within a radius of one-half mile of a school, so as to expand the territorial area in which a violation is possible; to amend Chapter 53, Title 44, relating to poisons, drugs, and other controlled substances, by adding Section 44-53-475 so as to make the laundering of certain monetary instruments unlawful and to provide criminal and civil penalties for violation; to amend Chapter 53, Title 44, relating to poisons, drugs, and other controlled substances, by adding Section 44-53-476 so as to make it unlawful to be a "leader of a narcotics trafficking network", to provide the elements of this offense, and to provide penalties for violation; to amend Item (6) of Section 44-53-520(a), as amended, relating to forfeiture of conveyances used or intended to unlawfully conceal, contain, or transport controlled substances and their compounds, so as to allow for the forfeiture of such conveyances when used or intended for use to facilitate the unlawful concealment, containment, or transportation of controlled substances in violation of Section 44-53-370(a) or Section 44-53-370(e); to amend Chapter 53, Title 44, relating to poisons, drugs, and other controlled substances, by adding Section 44-53-577 so as to make it unlawful to employ or use persons under eighteen years of age in drug operations or to receive a controlled substance from persons under eighteen years of age and to provide penalties for violation; to amend Chapter 1, Title 56, relating to driver's licenses, by adding Section 56-1-745 so as to require the suspension of a person's driver's license upon a controlled substance conviction under Chapter 53 of Title 44 and to permit issuance of a restricted to and from work license; and to amend Section 16-1-10, as amended, relating to crimes classified as felonies, so as to add certain drug-related offenses which are made felonies to this list.

**04/12/90 Senate Introduced, read first time, placed on calendar without reference SJ-166**

**04/17/90 Senate Read second time SJ-137**

**04/17/90 Senate Ordered to third reading with notice of amendments SJ-139**

**04/25/90 Senate Amended SJ-46**

**05/10/90 Senate Amended SJ-22**

**05/21/90 Senate Read third time and sent to House SJ-8**

**05/22/90 House Introduced and read first time HJ-11**

**05/22/90 House Referred to Committee on Judiciary HJ-13**