COMMITTEE REPORT

April 4, 2019

**H. 3730**

Introduced by Reps. Fry, West, G.R. Smith, Johnson, Hardee, Dillard, Robinson, Garvin, S. Williams, Sandifer and Martin

S. Printed 4/4/19--H.

Read the first time January 23, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3730) to amend Section 44‑53‑370, Code of Laws of South Carolina, 1976, relating in part to the trafficking offenses for certain controlled substances, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 44‑53‑370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end:

“( ) four grams or more of fentanyl is guilty of a felony which is known as ‘trafficking in fentanyl’ and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not more than ten years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

(b) for a second or subsequent offense, a term of imprisonment of not more than twenty years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars.” /

Renumber sections to conform.

Amend title to conform.

PETER M. MCCOY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑53‑370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING IN PART TO THE TRAFFICKING OFFENSES FOR CERTAIN CONTROLLED SUBSTANCES, SO AS TO ADD AN OFFENSE FOR “TRAFFICKING IN FENTANYL”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑53‑370(e) of the 1976 Code is amended by adding an appropriately numbered item at the end:

“( ) four grams or more of fentanyl is guilty of a felony which is known as “trafficking in fentanyl” and, upon conviction, must be punished as follows:

(a) for a first offense, a term of imprisonment of not more than twenty years, no part of which may be suspended nor probation granted, and a fine of fifty thousand dollars;

(b) for a second or subsequent offense, a term of imprisonment of not more than thirty years, no part of which may be suspended nor probation granted, and a fine of one hundred thousand dollars;

(c) for an offense that results in a fatal overdose, the term of imprisonment must be increased by an additional sentence of up to twenty years to run consecutively.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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